

The Slavery Code of the District of Columbia

THE SLAVERY CODE OF THE DISTRICT OF COLUMBIA, TOGETHER WITH NOTES
AND JUDICIAL DECISIONS EXPLANATORY OF THE SAME.

BY A MEMBER OF THE WASHINGTON BAR.

LC

WASHINGTON: L. TOWERS & CO., PRINTERS.

1862.

PREFACE.

The following pages embrace a complete collection of the Laws of the District of Columbia, now in force, in reference to the institution of Slavery. The first Section contains the Acts of Congress. The second Section, the old Maryland laws in regard to Slavery, in force in the District of Columbia at the time of its cession by Maryland to the Federal Government, and by Congress continued in force by Act 27th February, 1801, section 1.—(2 Statutes, 103.) The third Section, the Acts of the Corporation of the city of Washington.

Washington City, D. C., *March 17 th*, 1862.

LC

SLAVERY.

Section I.

1. No part of the laws of Virginia or Maryland declared by an act of Congress passed the 27th day of February, 1801, “concerning the District of Columbia,” to be in force within

Library of Congress

the said district, shall ever be construed so as to prohibit the owners of slaves to hire them within, or remove them to the said district, in the same way as was practiced prior to the passage of the above recited act.^{*}

^{*} Act 3d May, 1802, § 7, 2 Stat., 194. *Lee vs. Lee*, 8 Peters, 44; 4 Cranch C. C., 643. *Dunbar vs. Ball*, 2 Cranch C. C., 261. *Fenwick vs. Tooker*, 4 Cranch C. C., 641. *Wallingsford vs. Allen*, 10 Peters, 583.

2. It shall not be lawful to bring into the District of Columbia any slave whatever, for the purpose of being sold, or for the purpose of being placed in depot, to be subsequently transferred to any other State or place to be sold as merchandise. And if any slave shall be brought into the said district by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave thereupon become liberated and free.[†]

[†] Act 20th September, 1850, § 1, 9 Stat., 467

.

3. It shall and may be lawful for each of the corporations of the cities of Washington and Georgetown, from time to time, and as often as may be necessary, to abate, break up and abolish any depot or place of confinement of slaves brought into the said district as merchandise, contrary to the provisions of this act, by such appropriate means as may appear to either of the said corporations expedient and proper. And the same power is hereby vested in the levy court of Washington county, if any attempt shall be made within its jurisdictional limits, to establish a depot or place of confinement for slaves brought into the said district as merchandise for sale contrary to this act.[‡]

[‡] *Ibid*, § 2.

Section II.

Library of Congress

Sec. 1. It shall not be lawful, from and after the passage of this act, to import or bring into this State, by land or water, any negro, mulatto or other slave, for sale or to reside within this State; and any person brought into this State as a slave contrary to this act, if a slave before, shall thereupon immediately cease to be the property of the person or persons so importing or being such slave within this State, and shall be free. §

§ Act November, 1796, ch. 67, § 1. To obtain freedom under this act, in the District of Columbia, the slave must have been imported “ *for sale*” or “ *to reside*,” and the residence must be permanent, and without expectation of change. The act does not extend to temporary residence, nor to an importation by a person who hires slave for a limited period. not being the master or owner of such slave. *Henry vs. Ball*, 1 Wheaton, 1. *Rhodes vs. Bell*, 2 Howard, 397. *Negro Jordan vs. Sawyer*, 2 Cranch C. C., 373. *Negro Louisa Johnson vs. Mason*, 3 Cranch C. C., 294. *Negro Maria vs. White*, 3 Cranch C. C., 663. *Vide also*, *Negro Louisa Johnson vs. Mason*, 3 Cranch C. C., 374. *Negro Thomas Butler vs. Duvall*, 4 Cranch, C. C., 168.

An importation of slaves by a person who has only a life estate in them is an importation within this section, and consent of the reversioner to the importation is not necessary to give freedom to the slaves thus imported. *Negro Charles Taylor vs. Buckner*, 4 Cranch C. C., 549, *vide, also*, *negro Fanny Tarlton, vs. Trippett*, 2 Cranch C. C., 468.

If a slave is imported into the District of Columbia, with the intent that he shall be hired to remain for a limited time only, and not permanently, it will not be such an importation as is within this section. *Gordon vs. Simpson*, Cranch 2 C. C., 406. *Negro Sally vs. Ball*, 1 Wheaton, 1; *vide, also*, *Baptiste vs. De Volumbrum*, 5 Har. & John., 86. *De Fontain vs. De Fontain*, 5 Har. & John., 99. *Hall vs. Mullin*, 5 Har. & John., 190. *Burroughs vs. negro Anna*, 4 Har. & John., 262. *Cross vs. Black*, 9 Gill & John., 198; *vide, also*, *Burch vs. The State*, 4 Gill & John., 444. *The Steam Navigation Company vs. Hungerford*, 6 Gill & John., 291.

Sec. 2. *Provided, nevertheless; And be it enacted, &c.* That it shall and may be lawful for any citizen or citizens of the United States, who shall come into this State with a *bona fide* intention of settling therein, to import or bring into this State at the time of his or her removal into this State, or within one year thereafter, any slave or slaves the property of such citizen at the time of his or her said removal, which slave or slaves, or the mother or mothers of which slave or slaves shall have been resident of the United States, or some one of them, three whole years next preceding such removal, and the same to retain as slaves.^{*}

^{*} Ibid, § 2. See *negro Moses Burr vs. Sunahoo*, 1 Cranch C. C., 370, 400, 253.

Sec. 3. It shall and may be lawful for any executor or administrator of any citizen of the United States, who shall have removed, or may hereafter remove into this State, with a *bona fide* intention of settling therein, and who shall have died, or may hereafter die, within one year from the time of such removal, to import or bring into this State, at any time within one year from the death of his or her testator or intestate, any slave or slaves the property of such citizen at the time of his or her death, which slave or slaves, or the mother or mothers of which slave or slaves, shall have been resident of the United States three whole years next preceding such removal, as also the issue of such slave or slaves born after the removal of the said testator or intestate.[†]

[†] Act of November, 1797, ch. 15, § 2. This act is a supplement to the act of 1796, ch. 67. See *Davis vs. Jacquin*, 5 Har. & John., 100.

Sec. 4. It shall and may be lawful for any guardian or guardians of any infant entitled to any slave or slaves by or in pursuance of the last will and testament of, or in the course of distribution from, any citizen of the United States, who shall have removed, or may hereafter remove, into this State, with a *bona fide* intention of settling therein, and who

Library of Congress

shall have died, or may hereafter die, within one year from the time of his or her removal into this State, at any time within one year from the commencement of his, her or their guardianship, or for any such infant, if a male, at any time within one year after his arriving to the age of twenty-one years, or if a female, at any time within one year after her arriving to the age of sixteen years, to import and bring into this State any such slave or slaves, being the property of any such citizen at the time of his or her death, as also the issue of such slave or slaves born after the removal of the said testator or intestate[‡]

‡ Ibid, § 3; *vide* Adney vs. Waddle, 3 Har. & John., 557. Sprigg vs. negro Mary, 3 Har. & John., 491.

5

Sec. 5. Nothing herein contained shall be construed to enable any person or persons so removing as aforesaid, to sell or dispose of any slave or slaves imported by virtue of this act or their increase, unless such person or persons shall have resided within this State three whole years next preceding such sale, except in cases of disposition by last will and testament and dispositions by law for *bona fide* debts, or consequent upon intestacy.*

* Act of November, 1796, ch. 67, § 3. This section is a qualification of the license to import given by the second section. Negro Christopher Harris vs. Alexander, 4 Cranch C. C., 1. Negro Leonard Dunbar vs. Ball, 2 Cranch C. C., 261. Negro Sally Moody vs. Fuller, 5 Cranch C. C., 303. Negro William Jordan vs. Sawyer, 2 Cranch C. C., 373. Negro Amelia vs. Caldwell, 2 Cranch C. C., 418. Negro John Battles vs. Miller, 3 Cranch C. C., 296. Negro Mary vs. Talbert, 4 Cranch C. C., 187.

If a slave escapes into the District of Columbia, and is there sold, the sale will not be such as will give him a right to freedom under this section of the act. Negro Clara Moore vs. Jacobs, 4 Cranch C. C., 312.

Library of Congress

A slave brought into the District of Columbia by his master, and within three years thereafter mortgaged him for his full value, does not thereby acquire a right to freedom. *Negro Sam Bias vs. Rose*, 1 Cranch C. C., 159.

A slave does not acquire a right to freedom by being sent from Washington for sale and not being sold, brought back after eight or nine months absence. *Negro Violette vs. Ball*, 2 Cranch C. C., 102.

Sec. 6. Nothing in this act contained shall be construed, or taken to affect the right of any person or persons travelling or sojourning with any slave or slaves within this State, such slave or slaves not being sold or otherwise disposed of in this State, but carried by the owner out of this State, or attempted to be carried.[†]

† *Ibid*, § 4. In order to protect the right of a sojourner to his slave, brought in the District of Columbia under this section of the act, it is not necessary that he should bring the slave with him. The title to the slave is not protected by this section of the act, if the owner suffers the slave to remain two years after he himself has returned. *Negro Rachel Brent vs. Armfield*, 4 Cranch C. C., 579. *Negro Herbert Harris vs. Firth*, 4 Cranch C. C., 710.

Sec. 7. No slave manumitted agreeably to the laws of this State since the passing of the act entitled "An Act to prohibit the bringing slaves into this State," or made free under the said, act, or who shall hereafter be manumitted or made free in virtue of this act, shall be entitled to the privilege of voting at elections, or of being elected or appointed to any office of profit or trust, or to give evidence against any white person, or shall be recorded as competent evidence to manumit any slave petitioning for freedom.[‡]

‡ *Ibid*, § 5; *vide* act of Congress, May 17th, 1848, sec. 5, and act 16th May, 1856, as to the qualification of voters in Washington City. See section 67, post.

Library of Congress

Sec. 8. No person brought into this State from any of the United States who is bound to service for a term of years only by the laws of the State from which such person is brought, shall be considered a slave for life in this State, but such person brought into this State shall serve for the term which the laws of the State from which such person is brought oblige him or her to serve, and no longer. §

§ Ibid, § 6.

Sec. 9. If any negro or other slave hath been been or may hereafter be carried out of this State by any executor, administrator, or guardian, or by any other person or persons during the infancy, or without the consent or authority of the real owner or proprietor of such negro or other slave, it shall and may be lawful for such owner or proprietor, at any time 6 hereafter, to bring the said negro or other slave into the State again, and to have and enjoy the said negro or other slave as his or her property. *

* Ibid, § 7.

Sec. 10. It shall and may be lawful for any citizen and resident of this State, being seized and possessed of an estate or inheritance in his own right, or in the right of his wife, in land lying in any one of the adjoining States, and the owner of any slave or slaves employed or worked on the said land, to remove and bring such slave or slaves within this State on the land of such owner, for the use and benefit of the owner, his or her legal representatives, and not for sale; provided such slave or slaves hath or have been residents of some one of the said adjoining States before the twenty-first day of April, in the year one thousand seven hundred and eighty-three, or is or are the descendant or descendants of any slave, being residents as aforesaid; and provided also, that a list of such slave or slaves, containing their names, sexes, and ages, be delivered in writing, and signed by the owner, his overseer, or agent, to the clerk of the county into which such slave or slaves shall be brought to reside, within three months thereafter; and the said list shall be recorded at the

Library of Congress

expense of the owner of such slave or slaves so brought into this State; in which list of negroes, so recorded, if title to them be acquired by will, the testator's name, the date of the will, and the place where recorded, shall be inserted, and if the title to them be derived from marriage, the name of the married person from whom the title is derived shall likewise be inserted in said list, and the whole entered on record.[†]

† Ibid, § 8.

Sec. 11. It shall and may be lawful for any citizen and resident of any adjoining State, being seized and possessed of an estate of inheritance in his own right, or the right of his wife, in land lying in this State, and the owner of any slave or slaves, residents of any adjoining State, before the twenty-first day of April, in the year one thousand seven hundred and eighty-three, or of the descendant or descendants of any slave, being resident as aforesaid, to remove and bring any such slave or slaves into this State, for the purpose of employing or working such slave or slaves on the land of such owner within this State, for the use and benefit of the owners, his or her legal representatives, and not for sale; *Provided*, that a list of such slave or slaves be delivered, in writing, containing the names, sexes and ages of said negroes, and signed by the owner, his overseer or agent, to the clerk of the county in which such slave or slaves shall be *first* brought to reside, within three months thereafter, and the said list shall contain a certificate as aforesaid, to be recorded at the expense of the owner of such slave or slaves so removed into this State.[‡]

‡ Ibid, § 9.

Sec. 12. The power of removing slaves, as above allowed, may be exercised as often as the owner or owners of such slaves shall think proper on complying with the directions of this act.[§]

§ Ibid, § 10.

Sec. 13. It shall and may be lawful for any citizen and resident of this State, or of any adjoining State, being seized and possessed of an estate of inheritance in his own right, or in the right of his wife, in land lying in this or any one of the adjoining States, and the owner of any slave or slaves employed or worked on the said land, to remove and bring such slave or slaves within this State on the land of such owner, for the use and benefit of the owner, his or her legal representatives, and not for sale, provided such slave or slaves hath or have been resident of this or some one of the adjoining States before the twenty-first day of April, in the 7 year one thousand seven hundred and eighty-three, or is or are the descendants or descendants of any slave being residents as aforesaid: *And provided also*, That a list of such slave or slaves, containing their names, sexes, and ages be delivered, in writing, and signed by the owner, his overseer or agent, to the clerk of the county into which such slave or slaves shall be brought to reside, within three months thereafter; and the said list shall be recorded at the expense of the owner of such slave or slaves so brought into this State, in which list of negroes, so recorded, if title to them be acquired by will, the testator's name, the date of the will, and the place where recorded, shall be inserted, and if the title to them be derived from marriage, the name of the married person from whom the title is derived shall likewise be inserted in said list, and the whole entered on record.^{*}

* Act November, 1798, ch. 76, § 1. This act is also a supplement to act 1796, ch. 67.

Sec. 14. If the said record be made within the time and in the manner herein limited, it shall and may be allowed to the owner or proprietor of the slaves so brought in and recorded, to remove them, or any of them, or their issue, in and out of this State as often as his or her interest may require, without being under the necessity of recording them each time they are brought in, any law to the contrary notwithstanding.[†]

† Ibid, § 2.

Sec. 15. If any citizen of this State hath acquired or shall acquire property in any slave or slaves, being residents of any of the United States before the twenty-first day of April, in the year seventeen hundred and eighty-three, or in the descendant or descendants of such slaves, being residents as aforesaid, by marriage, bequest, in course of distribution, or as guardian, such citizen may remove and bring such slave or slaves into this State, for the purpose only of employing or working such slave or slaves within this State, as hereinbefore mentioned, and not for sale: *Provided*, That a list of such slave or slaves be rendered in the manner hereinbefore directed, by a citizen of this State, on his bringing slaves into this State as hereinbefore allowed: *And provided also*, That the owners of such slaves may sell them after such slaves have been residents for three years within this State.‡

‡ Act November, 1796, ch. 67, § 11. The list of slaves required by this section must be such as is required by the eighth section thereof, and must designate the sex as well as the name. *Vide* section 10, ante. See also *Negro Joseph Crawford vs. Style*, 4 Cranch C. C., 457. A slave imported into the District of Columbia under this section is entitled to freedom, unless recorded within three months thereafter. *Negress Keziah vs. Slye*, 4 Cranch C. C., 463.

Sec. 16. All that part of an act, entitled, An act to prevent disabled and superannuated slaves being set free, or the manumission of slaves by any last will and testament, which is contained in the third section thereof, shall be and is hereby repealed.§

§ Ibid, §12.

Sec. 17. From and after the passage of this act, it shall and may be lawful for any person or persons, capable in law to make a valid will and testament, to grant freedom to, and

Library of Congress

effect the manumission of, any slave or slaves belonging to such person or persons, by his, her, or their last will and testament, and such manumission of any slave or slaves may be made to take effect at the death of the testator or testators, or at such other periods as may be limited in such last will and testament: *Provided always*, 8 That no manumission hereafter to be made by last will and testament shall be effectual to give freedom to any slave or slaves, if the same shall be in prejudice of creditors, nor unless the said slave or slaves shall be under the age of forty-five years, and able to work and gain a sufficient maintenance and livelihood at the time the freedom given shall commence.*

* Ibid, § 13. A manumission by will is not in prejudice of creditors, if the real and personal estate are sufficient, without the value of the manumitted slaves, to pay all the debts of the testator. *Negro Fidelio vs. Dermot*, 1 Cranch C. C., 405. And the burden or proof lies on the creditors to show that a manumission by will is prejudicial to creditors. *Negro Eliza and Kitty Chapman vs. Fenwick*, 4 Cranch C. C., 431.

If a testator, by his last will, manumit his slaves after a certain term of service, and the widow renounces the provision made for her by the will, and adheres to the rights under the laws of Maryland in force in the District of Columbia, and if there be sufficient personal estate to satisfy her thirds without resorting to the slaves, they will be entitled to their freedom, although the executor should have assigned them to the widow in part satisfaction of her claim. *Negro Joseph Thompson vs. Clark*, 2 Cranch C. C., 145; *Fenwick vs. Chapman*, 9 Peters, 461. Manumission under this section is *prima facie* valid, and that the defect of age which by the proviso is to render the manumission ineffectual, must be shown by the party who claims the negro as a slave. *Negro Kitty vs. McPherson*, 4 Cranch C. C., 172; 4 Cranch C. C., 171.

Emancipation by will under this section is complete and perfected, if not in prejudice of creditors, and does not need the assent of the executor, as in ease of specific and other legacies, as it stands on higher grounds. *Negro Eliza and Kitty Chapman vs. Fenwick*,

Library of Congress

4 Cranch C. C., 431. *Vide* also Williams vs. Ashe, 1 Howard, 1; Scott vs. Negro Ben, 6 Cranch, 3.

A bequest of freedom to a slave is a specific legacy, and may be made upon the same conditions and limitations as the property in the slave may be limited over to a third person. 2 Bland's Chan. Rep., 314; 1 Howard, 14; Hammond vs. Hammond, 2 Bl., 306.

A devise of property, real or personal, by a matter to his slave, entitles the slave to his freedom by necessary implication. Le Grand vs. Darnall, 2 Peters, 669; Hall vs. Mullin, 5 Har. and John., 190. *Vide* also Hamilton vs. Cragg, 6 Har. and John., 16; Negro George vs. Corse, 2 Har. and Gill, 1; Burke vs. Negro Joe, 6 Gill and John., 136; Anderson vs. Negro Baily, 8 Gill and John., 32; Wicks vs. Chew, 4 Har. and John., 543.

Sec. 18. *Whereas* it is contrary to the dictates of humanity and the principles of the Christian religion to inflict personal penalties on children for the offences of their parents: *Be it enacted*, That all those parts of an act entitled "An act relative to servants and slaves," and of another act, entitled "A supplementary act to the act entitled 'An act relating to servants and slaves.'" which impose servitude to the age of thirty-one years on the issue of certain inordinate copulations, mentioned in the twenty-sixth, twenty-seventh, and twenty-eighth sections of the said first-mentioned act, and in the second and third sections of the said last-mentioned act, shall be, and they are hereby, repealed: *Provided always*, That nothing in this act shall affect the right of any person or persons whatsoever to the servitude of any such issue heretofore acquired under the repealed parts of the act aforesaid.[†]

† Ibid, § 14. See sections 56, 57, 58, post., referred to in this section.

Sec. 19. From and after the passage of this act, if any person or persons shall forcibly or fraudulently transport or carry, or cause to be transported or carried, out of this State, any free negro or mulatto, knowing such negro or mulatto to be free, every such person or

Library of Congress

persons shall forfeit and pay the sum of eight hundred dollars for every negro or mulatto so transported or carried, or caused to be transported or carried, one-half to the use of the county in which the recovery may be had, and the other to the informer, to be recovered by action of debt or bill of indictment; and if the said sum be not paid, or secured to be paid, as herein directed, within thirty days after judgment, then such person or persons shall and may be adjudged by the court to serve on the roads for any period not exceeding five years; and if any person or persons shall transport or carry, or cause to be transported or carried, out of this State, any negro or mulatto entitled to freedom at a certain age, and sell or otherwise dispose of, or cause to be sold or otherwise disposed of, out of this State such negro or mulatto as a slave for life, or for a longer time than he has to serve by law, knowing such negro or mulatto to be entitled to freedom at a certain age, every such person or persons shall, for every such offence, forfeit and pay the sum of eight hundred dollars, one-half to the use of the county in which the recovery may be had, and the other to the informer, to be recovered by action of debt or bill of indictment; and if the said sum be not paid, or secured to be paid, as herein directed, within thirty days after judgment, then such person or persons shall and may be adjudged by the court to serve on the roads for any period not exceeding five years.*

* Ibid, § 15. This section is modified by the 17th section of the act of Congress 2d March, 1831. 4 Stat., 448. See sections 95, 96, 97, post.

Sec. 20. From and after the passage of this act, if any person or persons shall import or bring into this State any free negro or mulatto, or any person bound to service for a term of years only, and shall sell or otherwise dispose of such free negro, mulatto, or person bound to serve for a term of years only as a slave for life, or for any longer time than by law such person may be bound to serve, knowing such negro or mulatto to be free or entitled to freedom at a certain age, every such person or persons shall, for every such offence, forfeit and pay the sum of eight hundred dollars; to be recovered by action of debt or indictment, one-half to the use of the county, the other half to the informer; and in case

Library of Congress

the said sum shall not be paid or secured to be paid within thirty days, then such person or persons shall and may be adjudged to work on the roads for any term not exceeding five years.[†]

† Ibid, § 16. *Vide* section 19.

Sec. 21. If any master, mistress, owner or owners, of any slave or slaves, shall suffer any such slave or slaves to depart from their respective habitations or quarter, and remain at large begging or becoming burthensome to the respective neighborhoods or to other persons, it shall be lawful for the county courts where the master, mistress, owner or owners of such slave or slaves shall reside, and they are hereby required, upon the complaint or information of any credible person, (such complaint or information being supported by oath or affirmation, as the case may require,) to cause such complaint or information to be minuted among their proceedings, and thereupon to issue their warrant to the sheriff of their county against such master, mistress, owner or owners of such slave or slaves, thereby to cause such master, mistress, owner or owners, to appear before them at some day to be limited in such warrant, and, if on due examination in a summary way, the said court shall be satisfied that such master, mistress, owner or owners of such slave or slaves, have suffered such slave or slaves to depart and wonder or remain at large, contrary to the provisions and intentions of this act, the said court are hereby empowered and required to cause such master, mistress, owner or owners of such slave or 10 slaves, to enter into recognizance with one sufficient security, if the same shall be awarded in the penalty of one hundred dollars, to be taken to and in the name of this State, and the condition of the said recognizance shall be such that if such master, mistress, owner or owners of such slave or slaves, his, her, or their executors or administrators, shall suffer such slave or slaves to depart and remain at large, contrary to the provisions of the act in such cases made and provided, then such recognizance shall remain in force and virtue; and if any such master, mistress, owner or owners of any such slave or slaves, shall afterwards commit any breach of the condition of such

Library of Congress

recognizances, it shall be lawful for any person to institute suit and prosecute such recognizance against the cognizor or cognizors thereof, and if the master, mistress, owner or owners, bound by such recognizance, his, her, or their executors or administrators shall be convicted of any of the breaches assigned by verdict, confession or otherwise, the judgment of the court shall be rendered for the penalty and costs of suit, and the same may be recovered by any process of execution, and one-third of the penalty shall be applied to the use of the prosecutor, and the remainder is to be applied as a fund for the county school, if any, if not, to the use of the county in which such conviction shall happen, and the name of the person prosecuting such recognizance shall be endorsed upon the original writ, and such person shall be answerable for the fees and costs; provided, that if any slave or slaves shall run away or abscond from the service of their master, mistress, owner or owners, contrary to the will of such master, mistress, owner or owners, such running away and absconding shall not be construed, deemed or taken, to be a departing and remaining at large within the meaning of this act.^{*}

* Ibid, § 17; see section 95, post.

Sec. 22. In all cases where certificates from a clerk of any court, or from any judge or magistrate, have heretofore been granted, or may hereafter be granted, to free negroes or mulattoes, of such negro or mulatto shall hereafter give or sell such certificate to any slave, by which means such slave may be enabled to abscond from the service of his master or owner, and personate the grantee of such certificate, it shall and may be lawful for the master or owner of such slave to have remedy against such free negro in any court of law in this State, and the court before whom such free negro may be tried, shall have full power and authority, upon conviction by the verdict of a jury, or upon confession or otherwise, to find such free negro or mulatto a sum not exceeding three hundred dollars, in the discretion of the court, one half to the use of the master or owner of such absconding slave, the other half to the county school, in case there be any, if no such school, to the use of the county; and in case the said fine shall not be paid, or secured to be paid, within

Library of Congress

thirty days, then and in such case, the said court may adjudge such free negro to be sold, at public vendue, for such a term as the said court may deem just and proper, not exceeding seven years, and the money arising from such sale shall be paid to the person or persons whose slave shall have absconded by means of such certificate.[†]

† Ibid, §, 18.

Sec. 23. Any person or persons, who shall hereafter be convicted of giving a pass to any slave, or person held to service, or shall he found to assist, by advice, donation or loan, or otherwise, the transporting of any slave, or any person held to service, from this State, or by any other unlawful 11 lawful means depriving a master or owner of the service of his slave, or person held to service, for every such offence the party aggrieved shall recover damages in an action on the case against such offender or offenders, and such offender or offenders also shall be liable, upon indictment and conviction upon verdict, confession or otherwise, in this State, in any county court where such offence shall happen, be fined a sum not exceeding two hundred dollars, at the direction of the court, one half to the use of the master or owner of such slave, the other half to the county school, in case there be any, if no such school, to the use of the county.*

* Ibid, § 19. A certificate of freedom is not such a pass as is contemplated by this section. *United States vs. Negro Alexander Vincent*, 5 Cranch C. C., 38.

In an indictment under this section for assisting by advice the transporting of a slave, whereby the owner was deprived of his services, it is not necessary to state what the advice was, nor how it assisted him; nor is it necessary to state a criminal intent, nor that the accused knew he was a slave and intended to run away. *United States vs. Johnson*, 4 Cranch, C. C., 303, *Richardson's case*, 5 Cranch, C. C., 338.

Library of Congress

In a criminal prosecution against a person for giving a pass to a slave contrary to this section, the loss of service must be averred in the indictment. *Duvall vs. The State*, 6 Har., and John 9. U. S. vs. *Prout*, 4 Craneh, C. C., 301.

A person who gives a writing to a negro slave to enable him to effect his escape from the service of his owner, would not only be liable to a criminal prosecution, but also to an action for damages, by the owner, under this section. *Arnold vs. Cost*, 3 Gill. & John., 219. *Hoffman vs. Gold.*, 8 Gill. & John., 79. *Bland vs. Negro Beverly*, 9 Gill. & John., 19; vide also post. *Mackall* 3 Bl., 486. *Burch vs. The State*, 4 Gill. & John., 444.

Sec. 24. Any slave selling liquor, or keeping entertainment at any muster ground, horse-race, or other public place whatever, without the orders or permission of his or her owner in writing, shall be liable to be apprehended and punished, in the discretion of any justice of the peace, not exceeding twenty stripes; that upon the information, on oath or affirmation, as the case may be, if any credible person, to any judge, associate justice, or justice of the peace of any county of this State, that any free negro, mulatto or other person, is found living idle, without any visible means of maintenance, or going at large through such county, and without any visible means of subsistence, such judge or justice is hereby authorized and required to issue his warrant to any constable of his county, directing him to apprehend such person or persons, and bring him, her, or them, before some judge or justice of such county; and upon the return of any such warrant, such judge or justice, before whom the same shall be returned, is hereby authorized and empowered to inquire, by all lawful means, whether such free negro, mulatto or other person, is an offender under this act, and if it shall be made appear, to the satisfaction of such judge or justice, that such person is such an offender, then in such case such judge or justice is hereby directed forthwith to order such free negro, mulatto or other person, to give security for his good behavior, in a penalty not exceeding thirty dollars, or on default of such security, to order such free negro, mulatto or other person, to depart the State within five days; and such free negro, or mulatto or other person, refusing to comply with this

Library of Congress

act, or after leaving this State shall again return within six months, may be again taken up and carried before some judge or justice of the peace, who may commit the said free negro, mulatto or other person, to the common jail of the county; and in case such person or persons, so committed, shall not, within twenty days thereafter, pay his or her 12 prison charges, it shall and may be lawful for the sheriff of such county wherein such person or persons shall have been committed, with the approbation of any two justices of the peace of such county, to sell such person or persons to serve for a period of time not exceeding six calendar months, and the money therefrom arising, after payment of the charges arising from such commitment and confinement, to pay over unto the justices of the levy court of the respective counties, for the use of said counties.*

* Ibid, § 20.

Sec. 25. No petition or petitions for freedom shall hereafter originate in the general court of either shore, but shall commence and be tried only in the county where such petitioner or petitioners shall reside, under the direction of his, her or their master, mistress or owner; and the court of the county in which such petition or petitions shall be preferred, shall have full power and authority to issue process against such master, mistress or owner, for the purpose of compelling his or her appearance, directed to the sheriff of the county where such person or persons shall reside, and such sheriff shall serve and return such process, in the same manner as is issued by the county court of his county, and in case of neglect or delay in such sheriff to execute and return such process, he may be fined by the court issuing such process.†

† Ibid, § 21. The remedy by petition for freedom is not given by the statute of 1796, it existed long before. There is no statute which expressly gives to the person held in slavery a right to sue for his freedom. The remedy was probably adopted in analogy to that given, by way of petition in cases of complaint between master and servants, under the thirteenth and thirty-first sections of the act of 1715 ch., 44, and was probably in use until the passage of the act of 1796. The object of this section was to prevent the

Library of Congress

filing of such petitions for freedom in the General Court of Maryland, and to confine the original jurisdiction in such cases to the county courts, not to the county in which the master resides, but to the county in which the petitioner resides under the jurisdiction of his master.

It seems that this section is applicable only to persons claimed as slaves by residents of Maryland, so far as the object of this section is to designate which of the county courts of Maryland should have jurisdiction, it is not applicable to the District of Columbia. A petition for freedom is not a local action. The right is personal and accompanies the person wherever he goes. The remedy is not confined to the courts of Maryland, nor is it necessary that the right to freedom should have accrued under the laws of Maryland, nor in the District of Columbia.

A petition for freedom is an action *quasi in forma pauperis*, and the court will see that the petitioner is not entrapped in the subtleties of special pleading and for that purpose will allow amendments, *Negro Butler vs. Duvall*, 3 Cranch C. C., 611. Vide also *Mahoney vs. Ashton*, 4 Har. & McHen. 295, *Jennings vs. Higgins* 1 Har & John, 344, *Shorter vs. Boswell* 2 Har. & John, 359. *Walls vs. Helinsby* 4 Har. & John, 243. *Walkup vs. Pratt*, 5, Har. & John, 57. *Coale vs. Harrington*, 7 Har & John, 147. *Burke vs. Negro Joe*, 6 Gill & John, 136. *Allien vs. Sharp* 7 Gill & John, 96, *Negro John, vs. Morton* 8 Gill & John 391. Vide Sec 62. See also *Runaways and Petitioners for Freedom*, 4 Cranch C. C., 498. *Negro Thornton vs. Davis* 400,500.

Sec. 26. In all petitions now depending, or hereafter commenced, for freedom, either the petitioner or defendant may apply to the court for the benefit of a trial by jury, and the court shall thereupon charge, as the law directs, the attending jury, to determine each and all of the allegations contained in the said petition, which may be controverted, any law, usage or custom, to the contrary notwithstanding.[†]

Library of Congress

‡ Ibid, § 22.

Sec. 27. There shall be no appeal from the judgment of the county court upon such petitions, except as to matters of law, where the facts 13 shall have been tried by a jury, and the master, mistress or owner, of such petitioner, or the petitioner, at the election of either, shall have the right of appeal as to matters of law only, and to take bills of exception in all cases so tried to the general court of their respective shore, anything in this act contained to the contrary notwithstanding.*

* Ibid., § 23. By the first section of the Act of Congress of the 2d of April, 1816, no cause can be removed from the Circuit Court of the United States for the District of Columbia to the Supreme Court of the United States, by appeal or writ of error, unless the matter in dispute shall be of the value of one thousand dollars or upwards, exclusive of costs. Where judgment in the Circuit Court of the District of Columbia is against the claim of petitioner for freedom, there can be an appeal to the Supreme Court of the United States and the matter in dispute is therefore to the plaintiff in error, the value of their freedom, and this is not susceptible of a pecuniary valuation. But where the claimants of petitioner appeal to said court, the value of the slaves as property is the matter in dispute. *Lee vs. Lee*, 8 Peters, 44.

Sec. 28. Either the master, mistress or owner, of such petitioner, or the petitioner, shall have the right and privilege of challenging peremptorily to the number of twelve jurors impannelled to try the facts in issue, and for want of a sufficient number of jurors remaining upon the original pannel a *tales*, at the prayer of either party, shall be awarded by the court to try the said issue or issues.†

† Ibid, §24.

Sec. 29. In all cases of petitions for freedom hereafter to be instituted in any court of law in this State, where the petition or petitions shall be dismissed, or upon trial the judgment

Library of Congress

be against such petitioner or petitioners, the attorney prosecuting or appearing to the same shall pay all legal costs arising thereon, unless the court, before whom the same may be brought, shall be of opinion, under all circumstances, that there was probable ground to suppose the said petitioner or petitioners had a right to freedom; and that in all cases of petitions for freedom now depending in any court of law in this State, except on appeal, where a similar petition or petitions, at the suit of the same party or parties, has or have been before filed and dismissed, the court before whom such petition or petitions are depending shall order a stay of all proceedings until the costs of the former petition or petitions, and all reasonable demands and expenses sustained or incurred by the defendant or defendants therein, to be ascertained by the court, shall have been paid or secured to be paid.[‡]

‡ Ibid, §25.

Sec. 30. In case the said costs, damages and expenses, shall not be paid within six months after the court shall have ordered a stay of proceedings, and ascertained the said damages and expenses as aforesaid, the defendant or defendants in such petition or petitions, so as aforesaid depending, and his, her or their securities, shall be discharged from any recognizance by him, her or them, entered into, in consequence of such petition or petitions being filed, and the said petition shall be forthwith dismissed.[§]

§ Ibid, §26.

Sec. 31. If any petition for freedom shall hereafter be filed in any court of law in this State, and dismissed, and a second petition filed at the suit of the same party, the court in which such second petition may be filed shall order a stay of all proceedings until the costs of the former petition, and all reasonable damages and expenses sustained or incurred by the defendant or defendants therein, to be ascertained by the court shall have been paid or secured to be paid.^l

| Ibid, §27.

14

Sec. 32. Where any person or persons possessed of any slave or slaves within this State, who are or shall be of healthy constitutions, and sound in mind and body, capable by labor to procure to him or them sufficient food and raiment, with other requisite necessities of life, and not exceeding forty-five years of age, and such person or persons possessing such slave or slaves as aforesaid, and being willing and desirous to set free or manumit such slave or slaves, may, by writing under his, her or their hand and seal, evidenced by two good and sufficient witnesses at least, grant to such slave, his, her or their freedom; and that any deed or writing whereby freedom shall be given or granted to any such slave, which shall be intended to take place in future, shall be good to all intents, constructions and purposes whatsoever, from the time that such freedom or manumission is intended to commence by the said deed or writing, so that such deed and writing be not in prejudice of creditors, and that such slave, at the time such freedom or manumission shall take place or commence, be not above the age aforesaid, and be able to work, and gain a sufficient livelihood and maintenance, according to the true intent and meaning of this act; which instrument of writing shall be acknowledged before one justice of the peace of the county wherein the person or persons granting such freedom shall reside, which justice shall endorse on the back of such instrument the time of the acknowledgment, and the party making the same, which he or they, or the parties concerned, shall cause to be entered among the records of the county court where the person or persons granting such freedom shall reside, within six months after the date of such instrument of writing; and the clerk of the respective county courts within this State shall, immediately upon the receipt of such instrument, endorse the time of his receiving the same, and shall well and truly enrol such deed or instrument in a good and sufficient book, in folio, to be regularly alphabeted in the names of both parties, and to remain in the custody of the said clerk for the time being among the records of the respective county courts; and that the said clerk shall, on the back of every such instrument, in a full legible hand, make an endorsement of such

Library of Congress

enrolment, and also of the folio of the book in which the same shall be enrolled, and to such endorsement set his hand, the person or persons requiring such entry paying the usual and legal fees for the same.*

* Ibid, §29. Manumission of a slave, under this section, should be in writing. *Negro Fidalio vs. Dermott*, 1 Cranch, C. C., 405. Two witnesses are necessary to a deed of manumission under this section. If a female slave manumitted by last will of the owner to be free at the age of twenty-five has a child born after the death of the testator and before she arrives at the age of twenty-five, such child is a slave. Under this section a deed of manumission in the District of Columbia, is not good unless recorded within six months after its date, and if not recorded within six months it has no legal existence and confers no right, and is regarded as a nullity to all intents and purposes, and therefore as nothing of which common law or equity can take cognizance. Its recordation is treated as the great, the capital test of its existence, for it is this which places the transaction definitely beyond the control of the master, and proclaims beyond the power of denial, both the intention and its consummation. *Miller vs. Herbert, et al.*, 5 Howard, 81. *Fenwick vs. Chapman*, 9 Peters, 461. 10 Peters, 583. 9 Gill and John, 181. *Allien vs. Sharp*, 7 Gill and John, 96. *Burk vs. Negro Joe*, 6 Gill and John., 136. *Wicks vs. Chem. et al.*, 4 Har. and John., 543. *Ann Maria Wright vs. Rogers*, 9 Gill and John. *James vs. Gaither*, 2 Har. and John., 176. *Rush vs. Somerwine*, 3 Har. and John. 97. See section 17.

The manumission of a mother and an infant child, the former being in good health and able to maintain the latter is allowed under the laws of the District of Columbia. *Wallingsford vs. Allen*, 10 Peters, 583.

15

Sec. 33. A copy of such record, duly attested under the seal of such office, shall at all times hereafter be deemed, to all intents and purposes, good evidence to prove such freedom.*

Library of Congress

* Ibid, §30. By the 31st section of this act, the following acts are repealed, to wit: act of April 1783, ch. 23. Nov. 1791, ch. 57.. Nov. 1791, ch. 75. Nov., 1793, and act of Nov., 1794; but saving all rights acquired under said acts. The 29th section of this act was re-enacted from previous statutes above enumerated, and repealed as aforesaid.

Vide Negro Thomas vs. Magruder, 4 Cranch, C. C., 446.

Sec. 34. From and after the publication hereof, no servant or servants whatsoever, within this province, whether by indenture or according to the custom of the country, or hired for wages, shall travel by land or water ten miles from the house of his, her their master, mistress or dame, without notice under or their hands, or under the hand of his or their overseer, if any be, under the penalty of being taken for a runaway, and to suffer such penalties as are hereafter provided against runaways.[†]

† Act Nov. 1715, ch. 44, § 2. As to the construction of the various sections of this Act see the opinion of Judge Cranch in the case of runaways and petitioners for freedom, 4 Cranch, C. C. 487. *Vide* also, William Richardson's case, 5 Cranch, C. C. 338. *Miller vs. Herbert*, 5 Howard, 78.

Sec. 35. Any servant or servants. unlawfully absents him, her or themselves, from his, her or their said master, mistress, dame or overseer, shall make such satisfaction by servitude, or otherwise, at the discretion of the justices of the county court where such runaway servant did dwell, not exceeding ten days service for any one day's absence, with such reasonable cost for his, her or their taking up, as the court shall think fit, be it before or after the expiration of such servant's first time of servitude by indenture or otherwise.[‡]

‡ Ibid, § 3. See *Mahoney vs. Ashton*, 4, Har & McHen, 295.

Sec. 36. Any person or persons whatsoever, that shall wittingly or willingly entertain any such servant or slave unlawfully absents him, her or themselves as aforesaid, shall

Library of Congress

be fined five hundred pounds of tobacco for every night, or twenty-four hours, that such person or persons shall give such intertainment as aforesaid, the one half to his majesty, his heirs and successors, for the support of government, and the other half to the informer, or him or them that shall sue for the same, to be recovered in any county court of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed. §

§ Ibid, § 4. See section 80, post.

Sec. 37. If any free negro or mulatto shall harbour or entertain any such servant or slave as aforesaid, in every such case, he or they so offending shall forfeit and pay as aforesaid, for every such offence, the sum of one thousand pounds of tobacco, the one half to our sovereign lord the king, his heirs and successors, for the use of the free-schools, the other half to the party grieved, to be recovered as aforesaid; and if any such offending negro or mulatto hath not an estate sufficient wherewith immediately to satisfy and pay such penalty as aforesaid, it shall and may be lawful for the justices before whom such matter is tried to order satisfaction, by servitude or otherwise, as they shall seem meet. |

| Ibid, § 5.

Sec. 38. And, for the better discovery of runaways, *It is hereby further enacted, &c.*, That any person or persons whatsoever within this province, travelling out of the county where he, she or they shall reside or live, without a pass under the seal of the said county, for which they 16 are to pay ten pounds of tobacco or one shilling in money, such person or persons, if apprehended, not being sufficiently known, or able to give a good account of themselves, shall be left to the direction and judgment of such magistrate or magistrates before whom such person or persons as aforesaid shall be brought, to adjudge thereof, and if before such magistrate such person or persons so taken up, shall be deemed and

Library of Congress

taken as a runaway or runaways, he she or they, shall suffer such fines and penalties as are hereby provided against runaways.^{*}

* Ibid, § 6.

Sec. 39. And, for better encouragement of all persons to seize and take up such runaways, *It is hereby further enacted, &c.*, That all, and every such person or persons as aforesaid, seizing or taking up such runaways, travelling without passes as aforesaid, not being able to give a sufficient account of themselves as aforesaid, shall have and receive two hundred pounds of tobacco, to be paid by the owner of such runaway servant, negro or slave, so apprehended and taken up; and if such suspected runaway or runaways be not servants, and refuse to pay the same, he, she or they, shall make satisfaction by servitude, or otherwise, as the justices of the provincial and county courts where such person shall be so apprehended and taken up shall think fit.[†]

† Ibid, § 7.

Sec. 40. For the better discovery of, and encouragement of our neighbor Indians to seize, apprehend, or take up, any runaway servants or slaves, and bring them before a magistrate, they shall, for a reward, have a match-coat paid him or them, or the value thereof, which said reward shall be paid and satisfied by the county where such person shall be so apprehended; and such runaway, if not a slave, to reimburse the said county by servitude, or otherwise, as the justices of the provincial or county court shall think fit.[‡]

‡ Ibid, § 8.

Sec. 41. At what time soever, any of the said persons, runaways, shall be seized by any person or persons within this province, such person or persons so apprehending or seizing the same, shall bring, or cause him, her or them, to be brought before the next magistrate, or justice of the county where such runaway is apprehended, who is hereby

Library of Congress

empowered to take into custody, or otherwise him, her or them, to secure and dispose of, as he shall think fit, until such person or persons, so seized and apprehended, shall give good and sufficient security to answer the premises the next court that shall first ensue in the said county; which court shall secure such person or persons till he or they can make satisfaction to the party that shall so apprehend or seize such runaways, or other persons, as by this act is required, except such person shall make satisfaction as aforesaid before such court shall happen; and that notice may be conveniently given to the master, mistress, dame, or overseer of runaways taken up as aforesaid, the commissioners of the counties shall forthwith cause a note of the runaway's name, so seized and apprehended as aforesaid, to be set up at the next adjacent county courts, and at the provincial court and secretary's office, that all persons may view the same, and see where such their servants are, and in whose custody. §

§ Ibid, § 9.

Sec. 42. And, furthermore, for ascertaining what each servant, according to the custom of the country, shall have at the expiration of their servitude, 17 *Be it enacted, by the authority, advise and consent aforesaid*, That every man servant, shall, at such time of expiration of his servitude as aforesaid, have allowed and given him one new hat, a good suit; that is to say, coat and breeches, either of kersey or broad cloth, one new shift of white linen, one new pair of French fall shoes, and stockings, two hoes and one axe, and one gun of twenty shillings price, not above four foot by the barrel, nor less than three and an half, which said gun shall, by the master or mistress, in the presence of the next justice of the peace, be delivered to such free man, under the penalty of five hundred pounds of tobacco on such master or mistress omitting so to do, and the like penalty on the said free man selling or disposing thereof within the space of twelve months, the one half whereof to our sovereign lord the king, his heirs and successors, the other to the informer; all women servants, at the expiration of their servitude as aforesaid, shall have allowed and given a

Library of Congress

waistcoat and petticoat of new half-thick, or pennystone, a new shift of white linen, shoes and stockings, a blue apron, two caps of white linen, and three barrels of Indian corn.^{*}

* Ibid, § 10.

Sec. 43. No person whatsoever, shall trade, barter, commerce, or any way deal with any servant, whether hired or indented, or slave, belonging or appearing to any inhabitant within this province, without leave or license first had and obtained from such servant's master, mistress, dame or overseer, for his so doing, under the penalty of two thousand pounds of tobacco, the one half thereof to his majesty, his heirs and successors, for the support of government, the other half to the master, mistress, or true owners of such goods so purloined, bartered or conveyed away, when proved by sufficient witness, or confession of the party, to be recovered in any court of record of this province by action of debt, bill, plaint, or information, wherein no essoin, protection or wager of law to be allowed.[†]

† Ibid, § 11.

Sec. 44. If the goods so traded or battered for as aforesaid shall exceed the sum of one thousand pounds of tobacco, then the party or parties, whose goods shall be embezzled or bartered away as aforesaid, shall have his action at law for the damage sustained against the person or persons so offending, dealing or bartering for the same, anything in this act to the contrary notwithstanding.[‡]

‡ Ibid, § 12.

Sec. 45. And, in case such person or persons so offending shall not be able to satisfy the same, then such person or persons shall be bound over by some one justice of the peace, and put in security, either to appear at the next provincial or county court, where, upon

Library of Congress

conviction, by confession or sufficient witness, the offender shall be punished by whipping on the bare back with thirty stripes.[§]

§ Ibid, § 13. Whipping is abolished by act of Congress, 2 March, 1831, sec. 15.

Sec. 46. And, for the ascertaining and limiting servants times of servitude, *Be it enacted, by the authority, advice and consent aforesaid*, That whosoever shall transport, any servant into this province without indenture, such servant being above the age of twenty-two years, shall be obliged to serve the full time of five years; if between eighteen and twenty-two years, without indentures, six years; if between fifteen and eighteen, without indentures, seven years; if under fifteen, without indentures, shall serve till he or they arrive at the full age of twenty-two years.[|]

| Ibid, § 14.

2

18

Sec. 47. All servants transported owe of Virginia into this province, shall complete their time of servitude here which they ought to have served in Virginia, and no more.^{*}

* Ibid, § 15.

Sec. 48. Every master, mistress, dame, assignee, or trustee whatever, owning or keeping any such servants as aforesaid, whether by virtue of transportation, purchase, or otherwise, shall, within six months after the receiving such servants into their custody within this province, (except he, she or they claim but five years service of such servants,) bring the said servants into the respective county courts where they do inhabit, and every of the said courts are hereby authorized to judge and determine of the age of such servant so brought, and cause the same to be entered upon record; and every owner as aforesaid neglecting or refusing to bring such servant or servants before the court as aforesaid shall

Library of Congress

not only stand to the determination of the court, but also forfeit the sum of one thousand pounds of tobacco to the King, his heirs and successors, for the support of Government; and if any master or servant aforesaid be grieved with the determination of the court, he shall, within the time determined for their service, produce an authentic certificate of such servant's age, and shall have remedy to the ages afore-mentioned.[†]

† Ibid, § 16.

Sec. 49. And forasmuch as disputes have formerly arose at what time servants' time of servitude, whether by indenture or otherwise, shall commence, *Be it enacted, by the authority, advice and consent aforesaid*, That all servants transported into this province, whether by indenture or otherwise, and so bound or adjudged as aforesaid, shall commence their time of servitude from the first anchoring of the vessel within this province.[‡]

‡ Ibid, § 17.

Sec. 50. *Provided*, That the said vessel tarry not above fourteen days after her entry within the capes, and her first anchorage in this province; and all the days such ship or ships shall tarry in Virginia above fourteen days shall be adjudged part of the service of such servant which shall be afterwards brought into Maryland and there sold, any law usage or custom to the contrary notwithstanding.[§]

§ Ibid, § 18.

Sec. 51. Every indenture made by any servant during the time of his service by former indenture, or judgment of the county court, according to the tenure of this act, shall be void, and not any ways oblige any servant for longer time than by his first indenture or judgment of the court shall be limited and appointed.^{||}

| Ibid, § 19.

Sec. 52. For all such runaway servants or slaves that shall be apprehended and taken up in the province of Pennsylvania, or colony of Virginia, and from thence brought into this province and delivered to a magistrate of the county into which they shall be brought, the person, for so doing, shall have paid and allowed him, by the master or owner of such runaway, four hundred pounds of tobacco and cask, or forty shillings in money, upon his producing a certificate from the justice or sheriff of the delivery of such runaway, except servants or runaways brought from Accomac into Somerset county; for such only two hundred pounds of tobacco, or twenty shillings, and the like from that side of Virginia next the river Potomac; for which said sum or sums paid, such runaway shall make satisfaction when free, by service or otherwise, besides what shall be 19 adjudged as a recompense for the absence of such runaway servant as aforesaid, as the court shall adjudge: but if such person, so apprehended, brought and delivered as aforesaid, be a freeman, and refuse to pay such sum or sums of tobacco or money, then and in such case the magistrate before whom he or she shall be brought shall forthwith commit the said person so refusing to prison till he or she give sufficient security, or make full satisfaction by servitude or otherwise.*

* Ibid, § 20.

Sec. 53. If any master or mistress of any servant whatsoever, or overseer by order or consent of any such master or mistress, shall deny and not provide sufficient meat, drink, lodging and clothing, or shall unreasonably burden them beyond their strength with labor, or debar them of their necessary rest and sleep, or excessively beat and abuse them, or shall give them above ten lashes for any one offense, the same being sufficiently proved before the justices of the county courts, the said justices have hereby full power and authority for the first and second offense to levy such fine upon such offender as to them shall seem meet, not exceeding one thousand pounds of tobacco, to the use of his

Library of Congress

majesty, his heirs and successors, for the support of government, and for the third offense to set such servant so wronged at liberty, and free from servitude; but in case the master or owner of any such servant shall think that he or they deserve greater correction, then the said master or owner of any such servant or servants shall or may carry them before any justice of the peace, who, hearing the complaint, shall order such correction as he shall see fit, not exceeding thirty-nine lashes for any one offense.[†]

† Ibid, § 21, United States vs. Lloyd, 4 Cranch C. C., 471.

Sec. 54. All negroes and other slaves already imported or hereafter to be imported into this province, and all children now born or hereafter to be born of such negroes and slaves, shall be slaves during their natural lives.[‡]

‡ Ibid, § 22.

Sec. 55. And forasmuch as many people have neglected to baptize their negroes, or suffer them to be baptized, on a vain apprehension that negroes, by receiving the sacrament of baptism, are manumitted and set free: *Be it hereby further declared and enacted, by and with the authority, advice and consent aforesaid,* That no negro or negroes, by receiving the holy sacrament of baptism, is thereby manumitted or set free, nor hath any right or title to freedom or manumission more than he or they had before, any law, usage or custom to the contrary notwithstanding.[§]

§ Ibid, § 23.

Sec. 56. All ministers, pastors and magistrates, or other persons whatsoever, who, according to the laws of this province, do usually join people in marriage, shall not, upon any pretense, join in marriage any negro whatsoever or mulatto slave with any white person, on the penalty of five thousand pounds of tobacco, the one half to his majesty, his heirs and successors, for the use of free schools, the other half to the informer, or him or

Library of Congress

them that shall sue for the same, to be recovered in any court of record of this province by action of debt, plaint or information wherein no essoin, protection or wager of law to be allowed.^l

| Ibid, § 24; see § 70 (post.)

Sec. 57. Any white woman, whether free or a servant, that shall suffer herself to be got with child by a negro or other slave, or free negro, such woman so begot with child as aforesaid, if free, shall become a servant for 20 and during the term of seven years; if a servant, shall finish her time of servitude, together with the damage that shall accrue to such person to whom she is a servant by occasion of any child or children begotten as aforesaid in the time of her servitude as aforesaid, and after such satisfaction made shall again become a servant for and during the term of seven years aforesaid.^{*}

* Ibid, § 25; see section 70, post.

Sec. 58. If such begetter of such child as aforesaid be a free negro, he shall become a servant for and during the term of seven years as aforesaid, to be adjudged by the justices of the county court where such fact is committed, according to this law, in the clause made and provided against such servants as have bastards, (and the issues of children of such unnatural and inordinate copulations, shall be servants until they arrive at the age of one and thirty years.[‡]

‡ Ibid, § 26.

Sec. 59. Any white man that shall beget any negro woman with child, whether free woman or servant, shall undergo the same penalties as white women; all which times of servitude by this act imposed upon the persons having so offended to be disposed of or employed as the justices of such county shall think fit, the produce whereof shall be appropriated towards defraying the county charges.[†]

† Ibid, § 27. By act 1728, ch. 4, free mulatto women and their bastard issue shall be subject to the same penalties as white women (and their issue are) for having mulatto bastards, by the three preceding sections, and free negro women having bastards by white men and their issue, shall be subject to the same penalties, and the proceedings thereon to be the same as above prescribed.

So much of the 26th and 27th sections as relates to the issue of the inordinate copulations mentioned in them, and in the 25th section, was repealed by act 1790, ch. 9, (which is also repealed,) and also by act 1796, ch. 67, in both of which acts the rights of any persons to such issue before acquired was saved. So much of the 2d and 3d sections of the act of 1728, ch. 4, as relates to the issue therein mentioned, were repealed by the same acts, and with the same saving. See section 18, ante.

Sec. 60. Any servant woman having a bastard child, and not able sufficiently to prove the party charged to be the begetter of such child, in every such case the mother of such child shall be liable to satisfy the damage so sustained, by servitude or otherwise, as the court before whom such matter is brought shall see convenient. §

§ Ibid, § 28.

Sec. 61. *Provided*, That where the mother of any such child as aforesaid do prove her charge, by sufficient testimony of witness, confession of the party charged, or pregnant circumstances, agreeing with her declaration in her extremity of her pains or throws of travail, and her oath taken by some magistrate before the time of her delivery of every such bastard child, or after her delivery, then the party charged, if a servant, shall satisfy half the said damage, if a free man, shall satisfy the whole damage, by servitude or otherwise, as the court before whom such matter is brought as aforesaid shall think fit; but if the said free man cannot be brought to justice, then and in every such case she shall make the same satisfaction as if she could not prove the begetter as aforesaid; and

Library of Congress

if any such mother as aforesaid be able to prove, by such testimony or confession of the party charged, that he, being a single person and a free man, did, before the begetting of such child, promise her marriage, that then he shall be at his choice either to perform his promise to her, or recompense her abuse according as the court before whom such matter is brought shall adjudge.^l

| Ibid, § 29.

21

Sec. 62. After the end of the session of Assembly it shall and may be lawful for the provincial and county courts of this province to hear and determine any complaints between masters and servants, by way of petition, to give judgment and award execution upon the same; and that upon appeal or writ of error brought upon the same from any county court of this province to the provincial court, or from the provincial court to the Governor and council, no such judgment shall be reversed for want of judicial process, or that the same was not tried by a jury, or any matter of form either in the entry or giving judgment; provided that it appears by the record that the defendant was legally summoned, and not condemned unheard.^{*}

* Ibid, § 30.

Sec. 63. If any matter or dispute arises concerning servants imported into this province, or any servant that binds himself for years within this province, or any bound out by the county courts of this province in relation to their indentures, contracts or wages, or any other matter of difference between the said master and servant, the same shall be tried, heard and determined by petition as aforesaid, any law, statute or usage to the contrary notwithstanding.[†]

† Ibid, § 31.

Library of Congress

Sec. 64. No negro or other slave within this province shall be permitted to carry any gun, or any other offensive weapon, from off their master's land without license from their said master; and if any negro or other slave shall presume so to do he shall be liable to be carried before a justice of the peace, and be whipped, and his gun or other offensive weapon shall be forfeited to him that shall seize the same and carry such negro so offending before a justice of peace.[‡]

‡ Ibid, § 32.

Sec. 65. From and after the end of this session of Assembly, any servant or servants whatsoever within this province that shall feloniously take or purloin his or their master, mistress or dame's goods or chattels, under the value of one thousand pounds of tobacco, shall be adjudged felony, and being thereof lawfully convict in any county court of this province, shall be adjudged to pay four times the value of such goods so purloined, to his or their master, mistress or dame, which he, she or they shall make good by servitude after the expiration of their first time of service, and shall also suffer such pains of whipping or pilloring as the justices before whom such matter is brought shall adjudge.[§]

§ Ibid, § 33.

Sec. 66. When any person or persons, (except negroes and mulattoes,) shall be found traveling without passes as aforesaid, and shall be taken up as suspected runaways, and by any justice of peace committed to the custody of any sheriff or jailor within this province, it shall not be lawful for any such sheriff or jailor to hold such person in custody longer than six months; and if such person can, at any time within the said six months, procure a certificate or other justification that he or she is no servant, he or she shall and may, by order of any two justices of the county where such person is committed to prison, be discharged from any further imprisonment, he, she or they serving such sheriff or jailor, or his assigns, so many days as he, she or they were in custody of such sheriff or

Library of Congress

jailor, or otherwise paying ten pounds of tobacco per day to such sheriff or jailor for their imprisonment fees, and no more, and paying unto such person or persons who took up such person two hundred pounds of tobacco, or serving 22 him, her or them twenty days in lieu thereof; and if any such sheriff or jailor shall detain such person in prison after such order of two justices aforesaid, or the expiration of six months, and payment of ten pounds of tobacco per day as aforesaid, such sheriff or jailor shall be liable to an action of false imprisonment, any law, statute or usage to the contrary notwithstanding.*

* Ibid, §34.

Sec. 67. From and after the end of this present section or assembly, no negro or mulatto slave, free negro, or mulatto born of a white woman, during his time of *servitude by law*, or any Indian slave, or free Indian natives, of this or the neighboring provinces, be admitted and received as good and valid evidence in law, in any matter or thing whatsoever depending before any court of record, or before any magistrate within this province, wherein any christian white person is concerned.†

† Ibid, Act 1717, ch. 13, § 2. See § 7, ante. This act, (Act 1717, ch. 13,) is a supplement to act 1715, ch. 44. Manumitted slaves are good witnesses for or against a free mulatto in the District of Columbia, under the Acts of Assembly of Maryland. 1717, ch. 13, and 1796, ch. 6. *United States vs. Barton*, 1 Cranch C. C., 132.

A slave is not a competent witness for a free mulatto upon a public prosecution. *United States vs. Swann*, 1 Cranch, C. C., 148, *vide also*, *United States vs. Negress Terry*, 1 Cranch, C. C. 318, *United States vs. Shorter*, 1 Cranch, C. C., 371. *United States vs. Peggy Hill*, 1 Cranch, C. C., 521.

Persons born free, that is descended from a white woman, were not in Maryland held to be negroes, and were permitted to testify against white persons. And, although color is *prima facie* evidence of slavery, yet the fact that the witness had for a long time publicly acted

Library of Congress

as free, turned the presumption the other way, and was *prima facie* evidence that he was born of a white woman. *Minchin vs. Docker*, 1 Cranch, C. C., 370.

A slave is not a competent witness against a free black person, in a capital case, but free blacks unless they are in a state of servitude by law are competent witnesses against free blacks. *United States vs. Butler*, 2 Cranch C. C., 75. *United States vs. Charity Gray*, 3 Cranch, C. C., 681. See also *Rush vs. Sowerwine*, 3 Har. and John. 97.

Sec. 68. Where other sufficient evidence is wanting against any negro or mulatto slaves, free negro, or mulatto born of a white woman, during their *servitude by law*, or against any Indian native of this or the neighboring provinces, in such a case the testimony of any negro or mulatto slave, free negro, mulatto born of a white woman, or Indian native of this or the neighboring provinces, may be heard and received as evidence, according to the discretion of the several courts of record, or magistrate, before whom such a matter or thing against such negro, mulatto slave, &c., shall depend, provided such evidence or testimony do not extend to the depriving them, or any of them, of life or member.[‡]

‡ Ibid, § 3.

Sec. 69. *And*, whereas it so happens that negro slaves, &c., commit many heinous and capital crimes, which are endeavored to be smothered and concealed, or else such negroes, &c., are conveyed to some other province, and sold by their owners, who, for the sake of the interest they have in their lives and service, suffer them to escape justice; *Be it therefore enacted, &c.*, That if any negro, or mulatto slave, or mulatto born of a white woman, during the time of his service by law, or Indian slave, shall hereafter be convicted of any capital crime, for which they shall suffer death, the court before whom they shall be convicted, shall immediately upon such conviction, value such negro, or mulatto slave, or mulatto born of a white woman, before the expiration of their service appointed by law, in

Library of Congress

tobacco, and three fourths of their value to be allowed in the public 23 levy, to be paid to the owner or owners of such negro, or mulatto slave, or mulatto born of a white woman.*

* Ibid, §4 *Vide* acts 1727, ch. 2., § 5 and 6, and 1751, ch. 14, §7. See §88, post

Sec. 70. *And whereas*, in the law relating to servants and slaves there is no punishment or penalties laid upon negroes or mulattoes intermarrying with any white person, *Be it therefore enacted, &c.*, That if any free negro or mulatto intermarry with any white woman, or if any white man shall intermarry with any negro or mulatto woman, such negro or mulatto shall become a slave during life, excepting mulattoes born of white women, who, for such intermarriage shall only become servants for seven years, to be disposed of as the justices of the county court where such marriage so happens, shall think fit, to be applied by them towards the support of a public school, within the said county, and any white man or white woman who shall intermarry, as aforesaid, with any negro or mulatto, such white man or white woman shall become servants during the term of seven years, and shall be disposed by the justices as aforesaid, and be applied to the uses aforesaid.†

† Ibid, §5. See *Higgins vs. Allen*, 3 Har and McHen. 504. 4 Har. and McHen. 3 See §57, 58, 59, ante.

Sec. 71. *And further, whereas*, Many negro, Indian and mulatto slaves, are often found guilty of pilfering and stealing, and other misdemeanors, for which they either escape without punishment, or else the owners of such Indians, negroes, or mulattoes, are put to considerable charge by bringing them to trial and receiving their punishment for such crime, before the county court; *Be it enacted, &c.*, That whenever any negro, Indian, or mulatto slave shall hereafter be charged with any pilfering, or stealing, or any other crime or misdemeanors whereof the county court might have cognizance, it shall and may be lawful for any one of the justices of the provincial or county courts, upon complaint made before him, to cause such negro, Indian or mulatto slave, so offending, to be brought immediately before him, or any other justice of peace for the county where such offence is

Library of Congress

committed, who upon due proof made against any such negro or mulatto slave, of any of the crimes as aforesaid, such justice is hereby authorised and empowered to award and cause to be inflicted, according to the nature of the crime, such punishment by whipping as he shall think fit, not exceeding forty lashes.[‡]

‡ Then Circuit Court of the District of Columbia has no jurisdiction to try a slave for larceny, but will quash the indictment and send him to a justice of the peace to be tried. By consent of parties, the court will try the issue whether slave or not. *United States vs. Louder*, 1 Cranch, C. C., 103. *United States vs. Negro Jack*, 1 Cranch, C. C., 44. *United States vs. Negro Nelson*, 4 Cranch, C. C., 479–619.

Sec. 72. From and after the end of this present session of assembly, every sheriff that now hath, or hereafter shall have, committed into his custody, any runaway servants or slaves, after one months notice given to the master or owner thereof, of their being in his custody, if living in this province, or two month's notice, if living in any of the neighboring provinces, if such master or owner of such servants or slaves do not appear within the time limited as aforesaid, and pay, or secure to be paid, all such imprisonment fees due to such sheriff, from the time of the commitment of such servants or slaves, and also such other charges as have accrued or become due to any person for taking up such runaway servants or slaves, such sheriff is hereby authorized and required (such time limited, as aforesaid, being expired) immediately to give public notice to all persons, by 24 setting up notes at the church and court-house doors of the county where such servant or slave is in custody, of the time and place for sale of such servants or slaves by him to be appointed, not less than ten days after such time limited as aforesaid being expired, and at such time and place by him appointed as aforesaid, to proceed to sell and dispose of such servant or slave to the highest bidder; and out of the money or tobacco which such servant or slave is sold for, to pay himself all such imprisonment fees as are his just due for the time he has kept such servant or slave in his custody, and also to pay such other charges, fees, or reward as has become due to any person for taking up such runaway servant or slave;

Library of Congress

and after such payments made, if any residue shall remain of the money or tobacco such servant or slave was sold for, such sheriff shall only be accountable to the master or owner of such servant or slave for such residue or remainder as aforesaid, and not otherwise.*

* Act 1719, ch. 2. § 2. This act is a supplement to act 1715, ch. 44, ante. *Sumerville vs. Hunt*, 3 Har. & McHen., 113. *Vide* section 98, post. note.

Sec. 73. In case any sheriff, or the buyer of such servant or slave, or others concerned in the execution of this act, shall be sued by any person or persons for any matter or thing done, or to be done, in pursuance hereof, it shall and may be lawful for every such person or persons so sued to plead the general issue, and give this act and the special matter in evidence, and in case of nonsuit, discontinuance, or verdict against the plaintiff, the court shall award double costs of suit.†

† Ibid, § 3.

Sec. 74. The justices of the several and respective county courts within this province be, and they are hereby empowered and required, immediately after the publication of this act, and so yearly in November court, to appoint the constable of every hundred, where the said justices, at their discretion, shall think proper and expedient, to suppress the assembling and tumultuous meeting of negroes and other slaves; and that every constable so to be appointed shall be obliged to repair once a month to all suspected places within his hundred, and if at any such place he shall find any negroes or other slaves, besides the negroes or other slaves belonging to the owner of such place, not having a license under their owner or overseer's hand, that it shall and may be lawful for the constable, and he is by this act required, to whip every such negro on the bare back, at his discretion, not exceeding thirty-nine stripes.‡

‡ Act 1723, ch. 15, § 2.

Sec. 75. To the end that every constable may be enabled to put this act in due execution: *Be it enacted*, That it may be lawful for the constable to require as many persons as may be necessary to repair with him to such places, and that every person that shall be so required, and shall refuse, shall forfeit one hundred pounds of tobacco, to be recovered and applied as hereafter expressed, and all white persons (being free) that shall be present, shall aid and assist such constable, on pain of forfeiting one hundred pounds of tobacco to the lord proprietor, one-half to the use of the county, and the other to the informer, on being convict by the oath of the constable or other lawful witness, or confession of the party before any magistrate; and that all negroes and other slaves belonging to the owner of the place where such assembly shall be, if required, shall aid and assist the constable in putting this act in execution, on pain of being whipped, each of them, with thirty-nine stripes on the bare back. §

§ Ibid, § 3.

25

Sec. 76. Every constable that shall be appointed to put this act in execution shall be allowed five hundred pounds of tobacco in the county levy; and if it shall so happen at any time that any negro or other slave shall strike any white person, it shall and may be lawful, upon proof made thereof, either by the oath of the party so struck or otherwise, before any justice of the peace, for such justice to cause of the negro's or other slave's ears so offending to be cropt.*

* Ibid, § 4. A simple assault and battery on a slave is not an indictable offence. *United States vs. Lloyd*, 4 Cranch C. C., 468.

Sec. 77. The owner of any plantation or plantations that shall at any time discover any strange negro or other slaves upon any of their plantations, unless they are sent by their owners on lawful occasions, and shall warn such negroes or other slaves to be gone home

Library of Congress

to their masters or owners, any negroes or other slaves refusing or delaying so to do, it shall and may be lawful for the owner of such plantation to correct such negro by whipping, not exceeding thirty-nine lashes; and any person that shall wittingly encourage any negro or other slaves to meet in companies on their plantations, unless on lawful occasions, shall forfeit and pay for every such offence one thousand pounds of tobacco to the use aforesaid, to be recovered as aforesaid.[†]

† Ibid, § 5.

Sec. 78. Any master or owner of any negro or other slaves that shall suffer any such slaves to them belonging to keep any horses or mares, or to raise any cattle or hogs, as the proper right of such slaves, the master or owner of such slaves shall forfeit and pay five hundred pounds of tobacco, to be recovered and applied as aforesaid, and also all such horses and mares, cattle and hogs, shall likewise be forfeited, one-half to the informer, the other half to be applied as aforesaid.[‡]

‡ Ibid, § 6.

Sec. 79. *Whereas* many negroes and other slaves absent themselves from their masters' service, and run out into the woods, and there remain, killing and destroying of hogs and cattle belonging unto the people of this province, if that such negro or negroes or other slaves so outlying as aforesaid, shall refuse to surrender themselves, making resistance against such persons as pursue to apprehend and take them up, being thereunto legally empowered, it shall be lawful to and for such pursuers, upon such resistance made, to shoot, kill, and destroy such negro or negroes or other slave, as aforesaid.[§]

§ Ibid, § 7. By act 1751, ch. 14. sec. 9, persons so killing any slave are indemnified from prosecution; the slave so killed is to be valued, and the value paid to the owner. And by act 1758, ch. 26, (see section 90, post,) persons so killing any slave shall undergo a trial, but

Library of Congress

on pleading the general issue and acquittal thereof, the public shall pay the costs of the prosecution.

Sec. 80. Any person or persons, after the end of this session of assembly, shall wittingly or willingly entertain any servant or servants, slave or slaves, unlawfully absenting him, her, or themselves from his, her, or their master, owner or overseer, or permit or suffer them to be about their houses or plantations during the space of one hour or longer, such person or persons so entertaining such servant or servants, slave or slaves, or permitting or suffering them to be about their houses or plantations, shall forfeit and pay at the rate of one hundred pounds of tobacco for every hour each servant or slave shall be by him, her, or them so entertained or permitted or suffered to be about his, her, or their house or plantation, as aforesaid, 26 to be recovered in a summary way before a single magistrate, with costs, if the penalty does not exceed six hundred pounds of tobacco, and if it does exceed six hundred pounds of tobacco, then to be recovered by action of debt, bill of indictment, plaint or information, in the county court where the offence shall be committed, wherein no essoin, protection, wager of law, or above one imparlance shall be allowed, the one-half whereof shall be applied to the use of the public school of the county wherein such forfeiture shall happen, and the other half to the party grieved, provided he or she shall prosecute for the same within three months next after the offence committed, otherwise to the informer, or him or them who shall sue for the same, provided such suit be commenced within twelve months after such offence committed.*

* Act 1748, ch. 19, § 2. This act is a supplement to act 1715, ch. 44, and was enacted into a permanent law by act 1798, ch. 71. See section 36.

Sec. 81. If it shall appear to any magistrate, before whom any conviction for breach of this act shall be had, that the offender is unable to pay or give good security for the penalty aforesaid, it shall and may be lawful for such magistrate to punish such offender by whipping on the bare back with such number of stripes, not exceeding thirty-nine for any

Library of Congress

one offence, as to him shall seem meet, and to require security for the good behavior of such offender for and during the term of six months then next following.[†]

† Ibid, § 3.

Sec. 82. If any servant or slave shall wittingly or willingly harbor or entertain any other servant or servants, slave or slaves, unlawfully absent from his, her, or their master, owner, or overseer, for and during the space of one hour or longer, it shall and may be lawful for any magistrate, and he is hereby required, upon complaint to him made, immediately to issue his warrant against such servant or slave so harboring or entertaining as aforesaid, and upon satisfactory proof of such harboring or entertaining, to punish the offender or offenders by whipping with such number of stripes on the bare back as to him shall seem proper, not exceeding thirty-nine for any one offence.[‡]

‡ Ibid, § 4.

Sec. 83. If any slave or slaves shall at any time consult, advise, conspire or attempt to raise any insurrection within this province, or to murder or poison any person or persons whatsoever, or to commit a rape upon any white woman, or to burn any house or houses, and be thereof convict by confession or verdict, or who shall of malice stand mute, or peremptorily challenge above the number of twenty jurors, shall suffer death, as in cases of felony, without benefit of clergy.[§]

§ Act 1751, ch. 14, § 2. This act is a supplement to act 1723, ch. 2. See section 74, ante. Act of 1753, ch. 26, is supplementary and explanatory of act 1715, ch. 14, and supplementary to act 1723, ch. 15. See *United States vs. Negro Bowen*, 4 Cranch C. C., 604.

Library of Congress

An attempt by a slave to ravish a white woman is punishable by death under this section, and the valuation is under the seventh section thereof. *United States vs. negro Patrick*, 2 Cranch C. C., 66. See section 88, post.

Sec. 84. Any slave who shall attempt to burn any dwelling-house, or out-house contiguous to, or used with, any dwelling-house, or any other house wherein there shall be any person or persons, or any goods, merchandises, tobacco, Indian corn, or other grain or fodder, and shall thereof be convict as as aforesaid, shall suffer death as a felon, without benefit of clergy.¹

| Ibid, § 3. See section 81, ante.

27

Sec. 85. Every slave committing any of the felonies herein before mentioned, or any other offence which may by law subject such slave to the pains of death, shall be committed to the sheriff of the county where the offence shall be committed, and that at the next assizes, or county court, which shall first happen, to be held for the county where the offence shall be committed, the justices of assize, or either of them, or county court, which shall first happen, shall and may, by virtue of this act, try every such offender or offenders according to law, and upon the conviction of the offender or offenders, upon his, her or their voluntary confession, or the verdict of a jury, upon the testimony of one or more legal or credible witness or witnesses, or even the testimony or the evidence of other slaves, corroborated with such pregnant circumstances as shall convince and satisfy the jury who shall try the fact of the guilt of such slave or slaves, to give judgment according to the nature and quality of the offence.^{*}

* Ibid, § 4. A slave is not a competent witness against a free born mulatto, not under a state of temporary servitude under the Maryland act of 1717, ch. 13, and 1751, ch. 14, section 4. It is also clear that a slave cannot be admitted under the third section of the

Library of Congress

act of 1717. It cannot be implied from the exclusion (in the second section) of slaves as witnesses against a white person, that they may be admitted against free persons of color for the principles of the civil law, and of the laws of every country where slavery is tolerated, exclude them as witnesses against free persons. *United States vs. Peggy Hill*, 1 Cranch C. C., 521. *United States vs. negro Bruce*, 2 Cranch C. C., 95.

Sec. 86. Any slave or slaves who shall give any false testimony against any slave or slaves who shall be prosecuted as aforesaid, and shall be thereof legally convict, shall have one ear cut off on the day of his or her conviction, and receive thirty-nine stripes on the bare back, and that the other ear shall be cropped the next day, and the like number of stripes given the offender on his or her bare back.[†]

† Ibid, § 5.

Sec. 87. And, to the end that such slave or slaves as shall be produced as a witness against other slave or slaves may be deterred from giving false testimony, *Be it enacted*, That the justices of assize, or either of them, then sitting, or the justice of the county court who shall preside, shall admonish and charge such witness or witnesses to declare the truth, the whole truth, and nothing but the truth, and acquaint him, her or them, with the danger and consequences of giving false testimony.[‡]

‡ Ibid, § 6.

Sec. 88. When any slave shall be condemned to suffer death, that such slave shall be valued by the justices of assize, or either of them, then present, or county court, according to the best of their knowledge, which said whole value shall be paid by the treasurer of the respective shore on which such execution shall be, on the certificate of such sheriff, out of the public stock of this province in the hands of such treasurer, without fee or reward, to the master or owner of such slave, in case the said slave be actually executed.[§]

§ Ibid, § 7, See section 69, ante, 2 Cranch C. C., 66.

Sec. 89. Where any slave shall be guilty of rambling, riding, or going abroad in the night, or riding horses in the day-time without leave, or running away, it shall and may be lawful for the justices of the county court, and they are hereby obliged, upon the application or complaint of the master or owner of such slave, or his, her or their order, or on the application or complaint of any other person who shall be anyways damnified or injured by such slave, immediately such slave to punish, by whipping, 28 cropping, or branding in the cheek with the letter R, or otherwise, not extending to life, or to render such slave unfit for labor.*

* Ibid, § 8.

Sec. 90. If any slave shall happen to be slain for refusing to surrender him or herself, contrary to law, or in unlawful resisting any officer, or other person, who shall apprehend or endeavor to apprehend such slave or slaves, and such officer, or other person, so killing such slave as aforesaid making resistance, shall be, and he is by this act, indemnified from any prosecution for such killing aforesaid; and that in every such case such slave or slaves shall be valued by two reputable persons, not being of kin to the master or owner of such slave, upon oath to be administered unto them, and to be appointed by the then nearest magistrate, "well and truly to value what such slave was worth, to the best of their knowledge, without favor or partiality," and that the whole value of such slave or slaves shall be certified by such persons to such magistrate, and that the same shall be paid to the owner or owners of such slave or slaves, or to his, her or their order, by the treasurer of the respective shore of this province on which the same death happened, upon a certificate from the said magistrate of the death and value of such slave or slaves, out of the public stock of this province in the hands of such treasurer, without fee or reward.†

† Ibid, § 9. See section 93, post.

Library of Congress

Sec. 91. If any free person shall entice and persuade any slave within this province to run away, and who shall actually run away from the master, owner or overseer, and be convicted thereof, by confession, or verdict of a jury upon an indictment or information, shall forfeit and pay the full value of such slave to the master or owner of such slave, to be levied by execution on the goods, chattels, lands or tenements of the offender, and in case of inability to pay the same, shall suffer one year's imprisonment without bail or mainprise; and that if any white servant shall entice or persuade any such slave to run away, and who shall actually run away, that the offender shall, after the expiration of his time of servitude, become a servant to the master or owner of such slave for and during the term of four years, or satisfy and pay to the master or owner the value of such slave, to be adjudged, in either case, at the trial, by the court before whom the fact shall be tried, and that the fact may be tried either in the country where the offences shall be committed, or where the offender or offenders shall be taken or apprehended.[‡]

‡ Ibid, § 10. Upon conviction of a free person under this section for enticing a slave to run away, and who actually ran away, the offender may be fined under the nineteenth section of the Maryland act, 1796, ch. 67, without an averment of loss of service. *United States vs. Prout*, 4 Cranch C. C., 301. See section 23, ante.

Sec. 92. *Provided always*, That where any money shall be paid by virtue of any act or acts of this province for any slave or slaves who shall die in jail after sentence, or shall be executed, *It is hereby declared and enacted*, That such payment shall be made for such slave or slaves who were actual inhabitants within this province at the time such fact committed, and not otherwise.[§]

§ Ibid, § 12. This act was made a permanent law by acts 1798, ch. 10, and 1798, ch. 71.

Sec. 93. Nothing in the above recited act contained shall be construed to indemnify any officer or other person killing any slave or slaves resisting or refusing to surrender,

Library of Congress

from undergoing a legal trial, any thing contained 29 in the said act of the contrary notwithstanding, but that it shall and may be lawful for any person, upon his or her trial for killing any slave or slaves, to give this, and the above recited act, in evidence, upon not guilty pleaded; and if it shall appear upon the evidence, that such killing as aforesaid was done in the lawful execution, and in pursuance of the aforesaid act, that then such person or persons, so killing as aforesaid in pursuance and in the lawful execution of the aforesaid act, shall be acquitted and discharged thereof, and from all penalties, forfeitures and punishments for such killing as aforesaid.^{*}

* Act 1753, ch. 26, § 2. This act is supplementary to and explanatory of act 1751, ch. 14. See section 90, ante.

Sec. 94. Where any person or persons shall be prosecuted for killing a slave or slaves resisting, as by the said act, entitled An act for the more effectual punishing of negroes and other slaves, and for taking away the benefit of clergy from certain offenders, and a supplementary act to an act, entitled An act to prevent the tumultuous meetings and other irregularities of negroes and other slaves, than then and in such case the public of this province shall pay such person or persons all his costs and charges which he or they shall be at by means of any such prosecution.[†]

† Ibid, § 3.

Sec. 95. Any person who shall permit and authorize any slave belonging to him or herself in his or her own right, or possessed in the right of another, to go at large or hire him or herself within this State, shall incur the penalty of five pounds current money per month, except ten days at harvest.[‡]

‡ Act April, 1787, ch. 33, § 1; see section 21, ante.

Library of Congress

Sec. 96. Any person who shall hire a slave by contract with such slave shall incur the penalty of five pounds current money per month, except as before excepted; provided that any person may permit his slave, being a pilot, to hire himself in such capacity, and any person may employ as a pilot any slave known or generally reputed to be a pilot before the passing this act.[§]

§ Ibid: § 2.

Sec. 97. All the penalties aforesaid shall be recovered before a single justice of the peace in the same manner as small debts out of court are recovered, and any sum so recovered shall be to the sole use and benefit of the informer, provided the offense be sufficiently proved without his or her own testimony; otherwise such recovery shall be to the use and benefit of the poor of such county where the offense shall be committed.^l

| Ibid, § 3. This act was continued by act 1794, ch. 71, to 30th January, 1798, when it expired. It was revived and continued by set 1798, ch. 10, to the end of the session, and all acts done under it confirmed, and by act 1798, ch. 71, continued to 30th of October, 1805, &c.

Sec. 98. It shall be the duty of the several and respective sheriffs, and they are hereby required and directed, upon any runaway being committed to their custody, to cause the same to be advertised in some public newspaper within twenty days after such commitment, and to make particular and minute description of the person, clothes, and any bodily mark of such runaway.[¶]

¶ Act November, 1792, ch. 72, §2. This act is merely directory to the sheriff to give certain public notices in addition to those previously required by the act of 1719, ch. 2, (see section 72, ante,) which is a supplement to act 1715, ch. 44. (See Runaways and Petitioners for Freedom, 4 Cranch C. C., 496.)

Sec. 99. If no person shall apply for such runaway within the space of thirty days from such commitment, then it shall be the duty of such sheriff, if residing on the western shore, to cause the said runaway to be advertised, as heretofore directed, in the Maryland Journal and Georgetown Weekly Leger, and, if residing on the eastern shore, to cause the same to be advertised in the Maryland Herald and Maryland Journal within sixty days from such commitment, and to continue the same therein until the said runaway is released by due course of law.*

* Ibid, § 3.

Sec. 100. If any sheriff shall refuse or neglect to comply with the directions of this act, he shall, for every such refusal or neglect, forfeit and pay the sum of twenty pounds current money to the owner of such runaway.†

† Ibid, § 4.

Sec. 101. This act shall commence and be in full force from the first day of April next.‡

‡ Ibid, § 5. The act of April, 1715, ch. 44, was the first act passed in Maryland in reference to slavery, and the following are the supplementary and other acts in regard to the same, to wit: Acts 1717, ch. 13; 1728, ch. 15; 1728, ch. 4; 1729, ch. 4; 1748, ch. 19; 1751, ch. 14; 1753, ch. 26; 1755, ch. 9; 1766, ch. 6; 1787, ch. 33; 1796, ch. 67; 1797, ch. 15, 75; 1798, ch. 76.

Section III.

Sec. 1. Within thirty days after the first day of October next, it shall be the duty of all free black or mulatto persons, males of the age of sixteen, and females of the age of fourteen years and upwards, who may then reside in the city of Washington, to exhibit satisfactory

Library of Congress

evidence of their title to freedom, to the Register of this Corporation, together with a list of the names, ages, and sex, of all other persons of color under these ages, whether his or her own children, or otherwise, inhabiting his or her house, who may not have performed this duty under existing laws; and for omitting to perform any or all of the duties herein prescribed, the person so omitting shall forfeit and pay a sum of money not exceeding six dollars for each and every month he or she may continue to omit or neglect so to do.[§]

§ Act 21st May, 1827, § 1.

Sec. 2. The Register of this Corporation shall keep a record of all such free black and mulatto persons, and of their ages, sex, names, and residence, and shall furnish a written permit, under the seal of the Corporation, free of expense, to each head of a family, embracing all under his or her care, or to each individual, as the case may be, authorizing them to reside in the city of Washington, under the conditions hereinafter prescribed.[|]

| Ibid, § 2.

Sec. 3. All idle, disorderly or tumultuous assemblages of negroes, so as to disturb the peace or repose of the citizens, are hereby prohibited; and any free negro or mulatto found offending against the provisions of this section may, on conviction thereof before a justice of the peace, be recognized with one or more sureties, in the penal sum of twenty dollars, conditioned for his or her peaceable and orderly behavior, for any period of time not exceeding six months from the date of such recognizance.[¶]

¶ Ibid, § 3.

Sec. 4. If any free black or mulatto person shall be found playing at cards, dice, or any other game of an immoral tendency, or shall be present as one of the company where such game is playing, on conviction thereof 31 before a justice of the peace, shall forfeit and pay a fine not exceeding ten dollars.^{*}

Library of Congress

* Ibid, § 4.

Sec. 5. All free black or mulatto persons are prohibited from having a dance, ball, or assembly at his, her, or their house, without first having obtained a license or permit for that purpose from the mayor, in which shall be mentioned the place, time of meeting, number of guests, hour of breaking up, and the name of the person applying for such permit; and any free black or mulatto person offending against the provisions of this section, or suffering such disorder during said period as to disturb the peace of the neighborhood, on conviction thereof before a justice of the peace, shall forfeit and pay, for each and every offence, a sum not exceeding ten dollars.[†]

† Ibid, § 5.

Sec. 6. No free black or mulatto person shall be allowed to go at large through the city of Washington at a later hour than ten o'clock at night, excepting such free black or mulatto person have a pass from some justice of the peace, or respectable citizen, or be engaged in driving a cart, wagon, or other carriage; and any free person of color found offending against the provisions of this section shall, on conviction thereof before a justice of the peace, forfeit and pay a sum not exceeding ten dollars; and all such offenders may be confined in a lockup-house until the following morning: *Provided, however,* That nothing herein contained shall be made to apply to any person of color passing peaceably through the streets to or from any meeting-house or place of worship, nor to any person of color sent on an errand by the owner or employer of said person.—[*Proviso repealed.*][‡]

‡ Ibid, § 6.

Sec. 7. All free black or mulatto persons who shall be found drunk in the public streets, open grounds, or tippling houses, or guilty of obscene and profane language or behavior,

Library of Congress

on conviction thereof before a justice of the peace, shall forfeit and pay a sum not exceeding three dollars for each and every offence.[§]

§ Ibid, § 7.

Sec. 8. Any free black or mulatto person who may be fined under any of the provisions of this act, on refusing or neglecting to pay, or secure to be paid, such fine, shall be committed to the workhouse until such fine be paid, for any period of time not exceeding six months; and on refusing or neglecting to give the security for good behavior, required by any of the provisions of this act, shall be committed to the workhouse until such security be given, not exceeding six months for any one offense. And the duties and obligations which, by this act, are imposed on free persons of color are hereby made to apply to slaves, so far as they may be consistent with their condition as such; and any slave found offending against any of the provisions of this act, on conviction thereof before a justice of the peace, may be sentenced to receive any number of stripes on his or her bare back, not exceeding thirty nine; but it shall be optional with such slave to have the punishment of whipping commuted for the payment of the fine which would be imposed in such cases on free persons of color.^l

| Ibid, § 8.

Sec. 9. Every free negro or mulatto, whether male or female, who may come to the city of Washington to reside, shall, within thirty days thereafter 32 exhibit to the Mayor satisfactory evidence of his or her title to freedom, to be recorded by the Register, as directed by the second section of this act; and shall enter into bond to the Mayor, Board of Aldermen, and Board of Common Council, of the city of Washington, with two freehold sureties, in the penalty of five hundred dollars, conditioned for his or her (and every member of his or her existing family) good and orderly conduct, and that they or either of them do not become chargeable to this Corporation for the space of twelve months from the date of such bond; to be renewed every year for three years; and on failure to

Library of Congress

comply with each and every provision of this section he, she or they so failing shall be ordered by the Mayor forthwith to depart the city, or be committed to the workhouse until such conditions are complied with, not exceeding twelve months in any one commitment. And any free person or persons of color who may be imprisoned under the provisions of this act may, by order of the Mayor, be discharged from his or her imprisonment upon his or her being able to satisfy the Mayor that he or she will, with his or her family and dependents, forthwith depart the city. But if he or she shall fail to depart the city within a reasonable time, to be fixed by the Mayor, or departing, shall return to and be found within the same at any time within twelve months thereafter, he or she shall be again committed, as if no such discharge had taken place: *Provided*, That nothing in this section shall be so construed as to release the child or children of such person or persons of color who may have been bound out to servitude by the Guardians of the Poor until the expiration of their term of service.^{*}

* Ibid, § 9.

Sec. 10. Every negro and mulatto found residing in the city of Washington after the passage of this act, who shall not be able to establish his or her title to freedom, (except such as may be hired to a resident of this city, and on whom the tax shall have been paid agreeably to the provisions of the act relating to slaves of non-residents, approved the fifth of April, eighteen hundred and twenty-three,) shall be committed to the jail of the county of Washington as absconding slaves.[†]

† Ibid, § 10.

Sec. 11. It shall not be lawful for any resident of this city to employ, harbor, or conceal, any free black or mulatto person who cannot produce a permit from the Register authorizing him or her to reside in the city of Washington; and of conviction thereof before a justice of the peace, shall forfeit and pay, for each and every offence, a sum not exceeding five dollars: *Provided*, That nothing in this act contained shall be so construed as to apply to

Library of Congress

or affect the condition of any negro or mulatto who may be attached to, or in the service of, any transient person, or member of Congress, while in such employment, or who may have been sent to the city on business by their employer.[‡]

‡ Ibid, § 11.

Sec. 12. The police constables, each in his respective ward, are hereby charged with the execution of this act, and on conviction of failure, on the part of any police constable, to carry into execution the provisions of this act, when required so to do, or informed of any violation of it, (unless prevented by sickness or absence from the city,) he shall forfeit and pay, for each and every such neglect or failure, a sum not exceeding twenty dollars. And all fines and penalties incurred under this act, shall be recovered and applied as by law directed.[§]

§ Ibid, § 12.

33

Sec. 13. The act of this Corporation entitled “An act to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city of Washington, and for other purposes,” approved the fourteenth of April, eighteen hundred and twenty-one; and so much of the “Act concerning free negroes and mulattoes, and vagrants, and for other purposes,” approved the sixteenth of December, eighteen hundred and twelve, as relates to negroes and mulattoes; and so much as makes it the duty of the commissioners to carry into execution the provisions of said act; and that the sixth, eighth and ninth sections of an act to appoint two police officers, and for other purposes, approved sixth of December, eighteen hundred and eight, contained in the twenty-third, twenty-fourth and twenty-fifth sections, under the head of police and nuisances, be and the same are hereby repealed.^{*}

* Ibid, § 13.

Library of Congress

Sec. 14. From and after the passage of this act, every free negro or mulatto, whether male or female, [who has not complied with the provisions of the act to which this is a supplement,] and every colored person who may be manumitted, or be made or declared to be free in any other manner or form whatsoever, shall forthwith exhibit to the Mayor satisfactory evidence of his or her title to freedom, to be recorded by the Register, as directed by the second section of the act entitled "An act concerning free negroes, mulattoes and slaves," approved May thirty-first, eighteen hundred and twenty-seven, and shall enter into bond to the Mayor, Board of Aldermen, and Board of Common Council, of the city of Washington, with five good and sufficient freehold sureties, in the penalty of one thousand dollars, conditioned for his or her good and orderly conduct, and that of every member of his or her existing family, and that they, or either of them, do not become chargeable to this Corporation; which bond shall be renewed every year; and on failure to comply with each and every provision of this section, he, she, or they, so failing, shall forfeit and pay a sum not exceeding twenty dollars, and shall be ordered by the Mayor to depart forthwith from this city; and, on failure to do so, shall be committed to the workhouse until such conditions shall be complied with, not exceeding six months in any one commitment.[†]

† Act 29th October, 1836, § 1. This act is supplementary to the act 31st May, 1827, ante.

Sec. 15. Any free person or persons of color who may be imprisoned under the provisions of this act, may be discharged from such imprisonment, by order of the Mayor, upon his or her being able to satisfy the Mayor that he or she will, with his or her family and dependents, forthwith depart from the city; but if he or she shall fail to depart therefrom, or departing, shall return to and be found within the same at any time within twelve months thereafter, he or she shall be again committed, as if no such discharge had taken place: *Provided*, That nothing in this section shall be so construed as to release the child or children of such person or persons of color who may have been bound out to servitude by the Guardians of the Poor until the expiration of their term of service.[‡]

‡ Ibid, § 2.

Sec. 16. From and after the passage of this act it shall not be lawful for the Mayor to grant a license for any purpose whatsoever to any free negro or mulatto, or to any person or persons acting as agent or agents, or in behalf of any free negro or mulatto, except licenses to drive carts, drays, hackneys, 3 34 carriages or wagons; nor shall it be lawful for the Mayor to grant a license for any purpose whatsoever to any free negro or mulatto who shall not, before the passage of this act, be a resident of this city, and be registered as such on the books of the Corporation, in compliance with the provisions of the act entitled "An act concerning free negroes, mulattoes and slaves," approved May thirty-first, eighteen hundred and twenty-seven; nor to any person or persons acting as agent or agents, or in behalf of any such free negro or mulatto; and any license granted contrary to the provisions of the third and fourth sections of this act shall be null and void.^{*}

* Ibid, § 3.

Sec. 17. It shall not be lawful for any free negro or mulatto, or for any person or persons acting as agent or agents, or in behalf of any free negro or mulatto, to sell or barter any spirituous liquors, mixed or unmixed, nor any wine, cordial, porter, ale, strong beer, or cider, or any fermented liquors, within the limits of this city; nor shall any free negro or mulatto, nor any person acting under or for and in behalf of any free negro or mulatto, keep any tavern, ordinary, shop, porter-cellar, refectory or eating-house of any kind, for profit or gain; and any free negro or mulatto, or any person or persons acting under or for and in behalf of any free negro or mulatto, who shall violate any of the provisions of this section, shall forfeit and pay for each and every offense the sum of twenty dollars, to be recovered and applied in the manner prescribed by an existing ordinance of this Corporation.[†]

† Ibid, § 4.

Library of Congress

Sec. 18. All secret or private meetings or assemblages whatsoever, and all meetings for religious worship beyond the hour of ten o'clock at night, of free negroes, mulattoes or slaves, shall be, and they are hereby declared to be unlawful; and any colored person or persons found at such unlawful assemblages or meetings, or who may continue at any religious meeting after ten o'clock at night, shall for each and every offense, on conviction, pay the sum of five dollars, to be recovered and applied as prescribed by act of this Corporation; and in the event of any such meeting or assemblage as aforesaid it shall be the duty of any police constable of any ward to enter into the house or upon the premises where such unlawful assemblage may be held and use and employ all lawful and necessary means immediately to disperse the same; and in case any police constable, after full notice and knowledge of such meetings, shall neglect or refuse to execute the duty hereby enjoined and required as aforesaid, or any other duty required of him by this act, he shall, upon conviction thereof, forfeit and pay the sum of fifty dollars, and shall thereafter be incapable of holding any office of power or trust under this Corporation for one year thereafter.[‡]

‡ Ibid, § 5.

Sec. 19. The eighth section of the act to which this is a supplement shall be in full force as part of this act, and that the proviso to the sixth section of the act to which this is a supplement, and the ninth section of said act, so far as it conflicts with the provisions of this act, be and the same are hereby repealed.[§]

§ Ibid, § 6.

Sec. 20. From and after the passage of this act every free negro or mulatto, whether male or female, who may come to the city of Washington, shall be subject to all the provisions of the first section of the act approved October twenty-ninth, eighteen hundred and thirty-

Library of Congress

six, entitled 35 “An act supplementary to an act entitled ‘an act concerning free negroes, mulattoes and slaves’” approved May thirty-first, eighteen hundred and twenty-seven.^{*}

^{*} Act November 9th, 1836, § 1. This act is also supplementary to act 31st May, 1827, ante.

Sec. 21. The following words in the first section of the act aforesaid, viz: “who has not complied with the provisions of the act to which this is a supplement,” be and they are hereby repealed.[†]

[†] Ibid, § 3.

Sec. 22. From and after the passage of this act it shall be lawful for all free persons of color who have families, or are housekeeping, to own, possess and keep any animal of the dog kind, under the same regulations and penalties and upon the same terms on which white citizens are permitted to keep said animals, any act of this Corporation to the contrary notwithstanding.[‡]

[‡] Act 12th March, 1838, § 1.

Sec. 23. The Mayor be, and he is hereby required, to cause the city seal to be placed on each certificate granted under the “act concerning free negroes, mulattoes, and slaves,” approved October the twenty-ninth, eighteen hundred and thirty-six, and to charge and collect on each certificate so granted the sum of two dollars, for the use of this Corporation; and for the renewal of every such certificate, as required by the said act, the sum of one dollar each shall be paid, to be applied as aforesaid.[§]

[§] Act Oct. 28, 1847, § 1.

Sec. 24. The Mayor be, and he hereby is, requested to have published daily for ten days in the newspapers authorized to publish the laws of the Corporation, the eleventh and twelfth

Library of Congress

sections of the act of this Corporation, approved the thirty-first of May, eighteen hundred and twenty-seven, entitled “An act concerning free negroes, mulattoes, and slaves.”^l

| Resolution 11th Nov., 1842.

Sec. 25. The Mayor cause the said publication to be annually made on or about the first day of November, with a notice to all whom it may concern, for a renewal of the certificates required by the act approved October the twenty-ninth, eighteen hundred and thirty-six.[¶]

¶ Ibid.

Sec. 26. The Mayor be, and he is hereby authorized and required, to renew the notice given by him on the twelfth of October, eighteen hundred and forty-seven, in relation to the bonds of free negroes and mulattoes, and to renew the notice annually hereafter, on or about the fifteenth of October of each year.^{**}

** Resolution 26th Oct., 1848.

Sec. 27. From and after the passage of this act, every free negro and mulatto, whether male or female, who may come within the city of Washington, or who may be manumitted, or be made or declared to be free in any other manner or form whatsoever in said city, shall, within five days thereafter, exhibit to the Mayor satisfactory evidence of his or her title to freedom, to be recorded by the Register, as directed by the second section of the act entitled “An act concerning free negroes, mulattoes, and slaves,” approved May the thirty-first, eighteen hundred and twenty-seven, and shall enter into bond to the Mayor, Board of Aldermen, and Board of Common Council of the city of Washington, with one good and sufficient white freehold surety; which said surety shall, before executing said bond, exhibit satisfactory evidence to some police magistrate of this Corporation 36 of his sufficiency in the premises, and which said bond shall also be approved by the Mayor, in the penalty of fifty dollars, conditioned for his or her good and orderly conduct, and a

Library of Congress

like bond and surety for each and every member of his or her family, to be executed in the same manner, conditioned for the good and orderly conduct of the person named therein, that he or she does not become chargeable to or commit any offence against this Corporation, or against the laws of the United States: *Provided*, Such free negro or mulatto child or ward be between the ages of twelve or twenty-one years; but such children or wards shall, upon becoming twelve years of age, be subject to all the provisions of this act, which bonds shall be renewed every year, on the tenth day of December; and on the failure to comply with each and every provision of this section, he, she, or they, so failing, shall forfeit and pay a sum not exceeding twenty dollars, and he, she, or they, and also the persons for whom such failure shall occur, being minors, shall be ordered by the Mayor to depart forthwith from the city, and on failure to do so, shall be committed to the workhouse, and be employed at the discretion of the Mayor, until such conditions shall be complied with, not exceeding six months in any one commitment.*

* Act 10th Dec., 1850, § 1. This act is a supplement to act of 21st May, 1827, ante.

Sec. 28. Any free person or persons of color, who may be imprisoned under the provisions of this act, may be discharged from such imprisonment by order of the Mayor, upon his or her being able to satisfy the Mayor that he or she will, with his or her family and dependents, forthwith depart from this city; but if he or she shall fail to depart, or departing, shall return to and be found within the same at any time within twelve months thereafter, he or she shall be again committed as if no such discharge had taken place: *Provided*, That nothing in this section shall be so construed as to release the child or children of such person or persons of color who may have been bound out to servitude by the Commissioners of the Asylum, under existing laws, until the expiration of their term of service.†

† Ibid, § 2.

Library of Congress

Sec. 29. From and after the passage of this act every free negro or mulatto, whether male or female, shall, within five days after their arrival in this city, and on the tenth day of December thereafter, *annually*, record his or her name, and the name or names of every member of his or her family, on the books of this Corporation, and at the same time pay into the treasury of said Corporation for himself, herself, and each and every member of his or her family so registered, the sum of fifty dollars, upon which registration and payment of the sum aforesaid, the Mayor is hereby authorized and directed to grant a permit of residence to such registered free negro or mulatto, which shall entitle him or her to a residence within said Corporation; and on failure to comply with each and every provision of this section, he, she, or they, so failing, shall forfeit and pay to this Corporation a sum not less than ten dollars, nor exceeding twenty dollars, and shall be ordered by the Mayor to depart forthwith from this city; and failing to depart therefrom, shall be subject to the conditions and penalties prescribed in the first section of this act: *Provided*, Nothing in this act contained shall be so construed as to apply to or affect the condition of any free negro or mulatto who may come into the city in the service of any transient person or member of Congress, while in such employment, or 37 who may have been sent to the city by his or her employer on temporary business.*

* Ibid, § 3.

Sec. 30. All and every section and provision of the act entitled "An act concerning free negroes, mulattoes, and slaves," approved May the thirty-first, eighteen hundred and twenty seven, and of the act supplementary thereto, approved October the twenty-ninth, eighteen hundred and thirty-six, as well as of any and all previous or subsequent act or acts relating to the same subject, and not heretofore repealed, and except such as apply to free negroes and mulattoes now residing in this city, and having acquired rights under said act or acts, so far as they conflict with the provisions of this act, be, and the same are hereby, repealed.†

Library of Congress

† Ibid, § 4.

Sec. 31. The mayor be, and he is hereby, requested to cause suit to be instituted against the bond of any and all free negroes violating any of the ordinances of this corporation; and that all free negroes, who, by any law of this corporation, are required to give bonds, be required to do so immediately.[‡]

‡ Resolution 18 January, 1851.

Sec. 32. From and after the passage of this act, every negro or mulatto slave brought into the city of Washington, and there manumitted, or be made or declared to be free in any other manner or form whatsoever, or who, being now within said city, shall be thereafter manumitted, or be made or declared to be free in any other manner or form whatsoever, shall, upon such manumission, within five days thereafter, and on the tenth day of December thereafter, annually, record his or her name, and pay into the treasury of said corporation the sum of fifty dollars for the permit of residence provided for in the third section of the act of December the tenth, eighteen hundred and fifty, to which this is supplementary, and be subject to all the terms and penalties prescribed and inflicted by said section, upon failure on the part of said manumitted negro or mulatto to comply with the conditions thereof.[§]

§ Act 4 Feb., 1851, § 1. This act is supplementary to act 10 Dec., 1850, ante.

Sec. 33. Every free negro or mulatto who shall hereafter apply to the mayor for a permit of residence, under the provisions of any existing law of this corporation prescribing terms and conditions upon which free negroes and mulattoes may reside in said city, must at the same time produce satisfactory evidence, by the affidavit (said affidavit to be filed by the mayor in the Register's office) of some respectable white citizen or resident of this city, stating whether or not said negro or mulatto so applying for a permit of residence,

Library of Congress

resided in said city at or before the passage of the act of December the tenth, eighteen hundred and fifty, to which this act is supplementary, and at or about what time said negro or mulatto did come within the corporate limits of this city.^l

| Act Oct. 20, 1851, § 1.

Sec. 34. It shall be the duty of every police officer who shall have occasion to fine any negro or mulatto, under the provisions of the act to which this is supplementary, to report the fact to the Mayor in writing without delay.[¶]

¶ Ibid, § 2.

Sec. 35. If any police or other officer of this corporation whose duty it is to carry into execution the provisions of this or any existing law of this corporation in relation to free negroes, mulattoes, or slaves, shall neglect or fail to discharge his duty as aforesaid, he or they shall pay a fine of twenty dollars for each and every offence, the one-half for the use of this corporation, and the balance to go to the informer; and for the second offence, besides the payment of a similar fine, to be similarly divided, shall be forthwith dismissed from office.^{*}

* Ibid, § 3.

Sec. 36. From and after the tenth day of April, eighteen hundred and twenty-three, the following tax be, and the same is hereby, imposed on slaves of non-residents hired to persons residing within the city of Washington, to wit: On every male slave above the age of eighteen years, and under forty-five, twenty dollars per annum; on every male slave under eighteen and above twelve years of age, twelve dollars per annum; and on every female slave between fifteen and forty-five years of age, two dollars per annum.[†]

† Act, 5th April, 1823, § 1.

Library of Congress

Sec. 37. If any non-resident as aforesaid, shall hire a slave to labor or do service in the said city, without having first paid the above tax, he, she, or they, shall forfeit and pay the sum of twenty dollars for every such offence; and any person or persons who shall hire any slave or slaves, belonging to non-residents, for whom the said tax is not paid, shall in like manner forfeit and pay the sum of twenty dollars for each and every slave so hired as aforesaid; and if such person shall continue to employ such slave, so hired as aforesaid, he or she person shall forfeit and pay the sum of five dollars for every month he or she shall continue to employ such slave. And all fines imposed by this act shall be recovered and applied as other fines now are by the existing ordinances of this corporation.[‡]

‡ Ibid, § 2.

Sec. 38. For every hiring of slaves by non-residents, to do labor or service in the city of Washington, for any period less than a year, the above tax shall be paid in the same manner, and under the same penalties, as if the hiring was for a year.[§]

§ Ibid, § 3.

Sec. 39. If any resident or non-resident of the said city shall, by fictitious bill of sale, or otherwise, attempt to elude or evade the provisions of this act, he or she shall forfeit and pay, for every such offence, the sum of twenty dollars, which shall be in addition to the above penalty, and which shall be recovered and applied in the same manner as other fines incurred by the violation of the laws of this corporation.[|]

| Ibid, § 4.

Sec. 40. Every person bringing or sending any slave or slaves into this city, to hire or reside therein, shall, within twenty days thereafter, cause the said slave or slaves to be recorded on the books of the corporation, and shall deposit with the register an affidavit, that such slave or slaves are *bona fide* his or her property; and every person neglecting

Library of Congress

or refusing so to do, shall forfeit and pay the sum of twenty dollars for every slave brought in, who shall not be found on said books of record, to be recovered and applied according to an existing ordinance of this corporation. And the register shall be entitled to receive for registering every such slave a fee of twenty-five cents, to be paid by every person causing the same to be done.¶

¶ Ibid, § 5.

Sec. 41. All acts or parts of acts repugnant to, or in any manner conflicting with, any of the provisions of this act, be and the same are hereby repealed.^{**}

^{**} Ibid, § 6.